

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE		
SW/S Back River Neck Road, SEC	*	ZONING COMMISSIONER
of East Homberg Avenue		
100 Back River Neck Road	*	OF BALTIMORE COUNTY
15th Election District		
7th Councilmanic District	*	Case No. 97-168-SPHXA
Exxon Corporation		
Petitioner	*	

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing, Special Exception and Zoning Variance all for the property located at 100 Back River Neck Road. The Petitions are filed by the Exxon Corporation, property owner. Special Exception relief is requested for approval of a fuel service station use in combination with a convenience store and fast food restaurant. Special Hearing relief is requested to amend the previously approved zoning plan in case No. 66-43X. Three variances are also requested. They are:

1. Section 405.4.A.2.d of the Baltimore County Zoning Regulations (BCZR) to permit a five foot landscape transition area in lieu of the required ten foot along Back River Neck Road, five ft. landscape transition area in lieu of the require 10 ft. along East Homberg Avenue, a 7.5 ft. landscape transition area in lieu of the required 15 ft. along the public alley, and a 6 ft. landscape transition area in lieu of the required 15 ft. along the south property line;
2. Section 409.4.A of the BCZR to permit a 12 ft. driveway in lieu of the required 20 ft. driveway;
3. Section 409.6.A.2 of the BCZR to permit 15 parking spaces in lieu of the required 22 parking spaces for a fuel service station use in combination with a convenience store and fast food restaurant.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

The subject property and requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing, Special Exception and Variance.

Appearing at the public hearing held for this case was Shelley LePlatt, on behalf of the Exxon Corporation. Also present was Timothy Whittle from Frederick Ward Associates, Inc., the consultants which prepared the site plan. David K. Gildea, Esquire appeared on behalf of the Petitioner. There were no Protestants or other interested persons present.

This is another in a series of cases filed by this Petitioner relating to renovation and upgrade of service stations maintained by the Exxon Corporation in Baltimore County. As shown on the site plan, the subject property is a rectangularly shaped parcel located adjacent to the intersection of Back River Neck Road and East Homberg Avenue in eastern Baltimore County. The property is approximately .84 acres in gross area, zoned B.L.-A.S. Presently the site is improved with an Exxon Service Station. Improvements on the site include several pump islands and a 3 bay service garage building. The balance of the site is paved with vehicular access from both East Homberg Avenue and Back River Neck Road.

Consistent with Exxon's corporate plans and strategy, a renovation of the site is proposed. The specifics of the proposed construction are shown on the site. Particularly, the Petitioner propose removing the existing bays from the building. In its place, the building will be renovated and an additional area for a Tiger Mart convenience store added. Moreover, the balance of the site will be improved to provide better vehicular access to the site and an enhanced area of landscaping. The Petitioner proposes a significant amount of buffering and landscaping to the rear of the site, which will screen the use from residences across a public alley which runs along the rear of the property line.

Mr. Gildea, on behalf of the Petitioner, proffered that Exxon has worked closely with the Office of Planning to develop an appropriate renovation plan. That office supports the proposal, particularly the increased landscaping scheme. Moreover, one of the entrances from East Homberg Avenue will be closed to promote a safer and better traffic flow. For these reasons, the Office of Planning endorses the Petitioner's plan.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Special Exception. In my judgment, the proposal easily complies with the requirements of Section 502.1 of the BCZR. It is clear that not only will the renovation of the site not be detrimental to the surrounding locale, but that same will actually constitute an improvement. The redevelopment of this site will provide a more attractive and less intrusive business to the residences which are nearby. Thus, the Petitions for Special Exception and Special Hearing should be granted.

The design of the proposal as shown on the site plan mandates the requested variances. As noted above, the renovation of this site is comprehensive and strict adherence to the setback and parking requirements is not possible. Although the plan requires variance relief, its overall development is far superior to existing conditions. In my judgment, the Petition for Variance should be granted. I am satisfied that the Petitioner has met the burden set forth in Section 307 of the BCZR as construed by the case law.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 22nd day of November, 1996, that, pursuant to the Petition for

ORIGINAL FILED
DATE 11/22/96
BY M. H. H. H.

Special Exception, approval to allow a fuel service station use in combination with a convenience store, be and is hereby GRANTED; and,

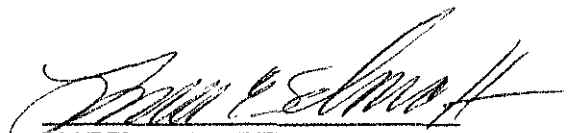
IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval for an amendment of the previously approved site plan in case No. 66-43-X, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.2.d of the Baltimore County Zoning Regulations (BCZR) to permit a five foot landscape transition area in lieu of the required ten foot along Back River Neck Road, five ft. landscape transition area in lieu of the require 10 ft. along East Homberg Avenue, a 7.5 ft. landscape transition area in lieu of the required 15 ft. along the public alley, and a 6 ft. landscape transition area in lieu of the required 15 ft. along the south property line, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4.A of the BCZR to permit a 12 ft. driveway in lieu of the required 20 ft. driveway, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.2 of the BCZR to permit 15 parking spaces in lieu of the required 22 parking spaces for a fuel service station use in combination with a convenience store and fast food restaurant, be and are hereby GRANTED, subject, however to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date

By

11/22/96
M. P. P. P.



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 21, 1996

David K. Gildea, Esquire
Whiteford, Taylor and Preston, LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 95-168-SPHXA
Petitions for Special Hearing, Special Exception & Variance
Location: 100 Back River Neck Road
Exxon Corporation, Petitioner

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing, Special Exception and Variance have been granted with restriction.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

c: Shelley LePlatt, c/o Exxon Corp., 6301 Ivy Lane, Suite 700
Greenbelt, Md. 20770

MICROFILMED





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

100 Back River Neck Road

which is presently zoned

BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendment to previously approved zoning plan in Case No. 66-43x.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

David K. Gildea
Whiteford, Taylor & Preston L.L.P.

(Type or Print Name)

Signature

210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

Exxon Corp.

(Type or Print Name)

Signature

M. J. Specht (Agent/Attorney-in-fact)

(Type or Print Name)

Signature

6301 Ivy Lane

(301) 513-7511

Address

Phone No.

Greenbelt

MD

20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

David K. Gildea, Esquire

Whiteford, Taylor & Preston L.L.P.

Name

210 W. Pennsylvania Ave.

832-2000

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: 8/17 DATE 1/68

MICROFILMED



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 100 Back River Neck Road

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Fuel service station use in combination with a convenience store and a fast food restaurant.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

David K. Gildea
Whiteford, Taylor & Preston L.L.P.
(Type or Print Name)

Signature

210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

Exxon Corp.

(Type or Print Name)

Signature

M. J. Specht (Agent/Attorney-in-fact)
(Type or Print Name)

Signature

6301 Ivy Lane

(301) 513-7511

Address

Phone No.

Greenbelt

MD

20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

David K. Gildea, Esquire
Whiteford, Taylor & Preston L.L.P.

Name

210 W. Pennsylvania Ave.

832-2000

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: SM DATE 1/6/8



RECORDED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 100 Back River Neck Road

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

David K. Gildea
Whiteford, Taylor & Preston L.L.P.

Signature

210 W. Pennsylvania Ave. 832-2000
Address Phone No.
Towson MD 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Exxon Corp.

(Type or Print Name)

Signature

M. J. Specht (Agent/Attorney-in-fact)
(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511
Address Phone No.

Greenbelt MD 20770
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

David K. Gildea, Esquire
Whiteford, Taylor & Preston L.L.P.

Name
210 W. Pennsylvania Ave. 832-2000
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL OTHER

REVIEWED BY: SOA DATE 10-9-96

168

ATTACHMENT TO PETITION FOR VARIANCE

PROPERTY LOCATED 100 BACK RIVER NECK ROAD

1. Section 405.4A.2.d To permit a five (5) foot landscape transition area in lieu of the required ten (10) foot along Back River Neck Road, five (5) foot landscape transition area in lieu of the required ten (10) foot along East Homberg Avenue, a 7.5 foot landscape transition area in lieu of the required 15 foot along the public alley, and a six (6) foot landscape transition area in lieu of the required 15 foot along the south property line.
2. Section 409.4A To permit a 12 foot driveway in lieu of the required 20 foot driveway.
3. Section 409.6A.2 To permit 15 parking spaces in lieu of the required 22 parking spaces for a fuel service station use-in-combination with a convenience store and fast food restaurant.

89212

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168



Frederick Ward Associates, Inc.

Main Office: P.O. Box 727 5 South Main Street Bel Air, Maryland 21014 (410) 838-7900 / 879-2090 Fax (410) 893-1243

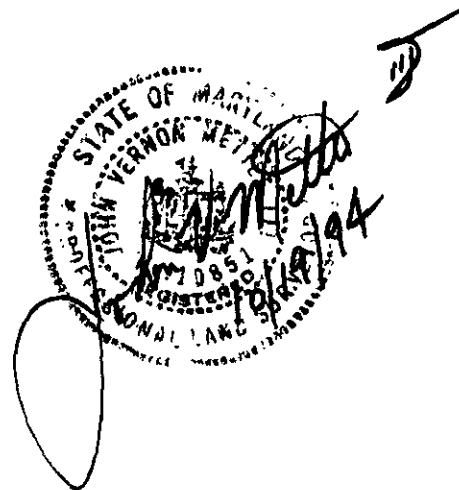
ZONING DESCRIPTION

100 Back River Neck Road
Fifteenth Election District
Baltimore County, Maryland

BEGINNING for the same at a point on the southwesterly right-of-way line of Back River Neck Road, 60' wide, at its intersection with the southeasterly right-of-way of East Homberg Avenue, 60' wide. Thence binding on Back River Neck Road

- 1) South $31^{\circ}30'31''$ East 135.28 feet. Thence leaving Back River Neck Road
- 2) South $55^{\circ}21'24''$ West 170.40 feet
- 3) North $36^{\circ}42'51''$ West 50.82 feet
- 4) North $31^{\circ}30'31''$ West 98.77 feet to intersect the southeasterly right-of-way line of East Homberg Avenue, 60' wide. Thence binding on East Homberg Avenue
- 5) North $55^{\circ}08'39''$ East 160.05 feet
- 6) South $78^{\circ}10'56''$ East 20.58 feet to the point of beginning hereof.

CONTAINING 25975 square feet (0.5963 acre) of land more or less.



MICROFILMED

NOTICE OF HEARINGS

The Planning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on Tuesday, October 24, 1990, at 10:00 a.m.

Case #97-122-A
(Item 1B3)
100 Back River Neck Road
SMS Back River Neck Road,
SEC of East Humberg Avenue
15th Election District
7th Congressional District
Legal Owner(s):
Escon Corporation

Special Exception to approve fuel service station use in conjunction with a convenience store and a fast food restaurant. Special Hearing to approve amendment to previously approved zoning plan in case #86-43-X. Variance to permit a 5 foot landscape transition area in lieu of the required 10 foot along Back River Neck Road, 5 foot landscape transition area in lieu of the required 10 foot along East Humberg, a 7.5 foot landscape transition area in lieu of the required 15 foot along the public alley, and a 6 foot landscape transition area in lieu of the required 15 foot along the south property line to permit a 12 foot driveway in lieu of the required 20 ft driveway and to permit 15 parking spaces in lieu of the required 22 parking spaces for a fuel service station use in conjunction with a convenience store and fast food restaurant.

LAURENCE S. SMITH
Zoning Commissioner for Baltimore County

(2) For information concerning the file and/or hearing, please call 867-3391.

10/30/94 Oct. 24 C93835

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 24, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 24, 1990.

THE JEFFERSONIAN,
A. H. Enidson
LEGAL AD. - TOWSON

RECORDED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 168

Petitioner: Exxon Corp.

Location: 100 Back River Neck Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David K. Golden c/o Whiteford, Taylor & Preston

ADDRESS: 210 W. Penn. Ave

Towson, Md. 21204

PHONE NUMBER: (410) 832-2000

AJ:ggs

(Revised 09/24/96)

168



BALTIMORE COUNTY, MARYLAND
OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

000000

DATE 10-9-96 ACCOUNT REC-6150

AMOUNT \$ 650.00

RECEIVED UNITED TAX & BUS.

FROM: 070 CUMMINS CEN. VAL. SPX. SPH. 363C

FOR: 1072A

\$650.00

MICROFILMED 93371#0186MIDHRC
SA 0003135PM10-09-96

VALIDATION OR SIGNATURE OF CASHIER

Item # 105

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-168-A

Petitioner/Developer: Whiteford,
Taylor & Preston (Exxon)

Date of Hearing/Closing: Nov. 12.

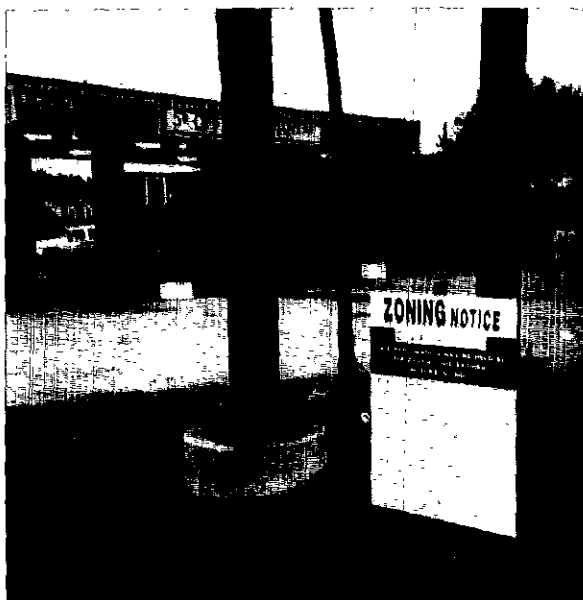
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 100 Back River
Neck Rd, SEC of East Homberg Ave.

The sign(s) were posted on 10/28/96
(Month, Day, Year)



Sincerely,

Sue W. McKenzie
(Signature of Sign Poster and Date)

Sue W. McKenzie
(Printed Name)

6 Topwood Ct.
(Address)

Baltimore, MD 21234
(City, State, Zip Code)

(410) 668-8576
(Telephone Number)

Case No.:
97-168-A

MICROFILMED

Request for Zoning: Variance, Special Exception, ^{new} or Special Hearing

Date to be Posted: Anytime before but no later than 6-26-96

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-168-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPX FOR FULL SERVICE STATION USE IN COMBINATION W/

A CONVENIENCE STORE & A FAST FOOD RESTAURANT.

SPH: TO AMEND PREVIOUSLY APPROVED CASE #66-43X.

LAND. SEC. 405.4A2d. TO PERMIT 5 FT. LANDSCAPE TRANS. AREAS IN LIEU OF 10

7.5 FT. & 6 FT. LANDSCAPE TRANSITION AREA IN LIEU OF 15 FT.

SEC. 409.4A TO PERMIT 12 FT. DRIVEWAY IN LIEU OF 20 FT.

& SEC. 409.6A2. TO PERMIT 15 PARKING SPACES IN LIEU OF 22.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTKENT PUBLISHING COMPANY
October 24, 1996 Issue - Jeffersonian

Please forward billing to:

David K. Gildea, Esq.
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

X/A
CASE NUMBER: 97-168-A (Item 168)
100 Back River Neck Road
SW/S Back River Neck Road, SEC of East Homberg Avenue
15th Election District - 7th Councilmanic
Legal Owner(s): Exxon Corporation

Special Exception to approve fuel service station use in combination with a convenience store and a fast food restaurant.

Special Hearing to approve amendment to previously approved zoning plan in case #66-43-X.

Variance to permit a 5 foot landscape transition area in lieu of the required 10 foot along Back River Neck Road, 5 foot landscape transition area in lieu of the required 10 foot along East Homberg, a 7.5 foot landscape transition area in lieu of the required 15 foot along the public alley, and a 6 foot landscape transition area in lieu of the required 15 foot along the south property line; to permit a 12 foot driveway in lieu of the required 20 ft. driveway; and to permit 15 parking spaces in lieu of the required 22 parking spaces for a fuel service station use-in-combination with a convenience store and fast food restaurant.

HEARING: TUESDAY, NOVEMBER 12, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

MICROFILMED

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 18, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-168-A (Item 168)
100 Back River Neck Road
SW/S Back River Neck Road, SEC of East Homberg Avenue
15th Election District - 7th Councilmanic
Legal Owner(s): Exxon Corporation

Special Exception to approve fuel service station use in combination with a convenience store and a fast food restaurant.

Special Hearing to approve amendment to previously approved zoning plan in case #66-43-X.

Variance to permit a 5 foot landscape transition area in lieu of the required 10 foot along Back River Neck Road, 5 foot landscape transition area in lieu of the required 10 foot along East Homberg, a 7.5 foot landscape transition area in lieu of the required 15 foot along the public alley, and a 6 foot landscape transition area in lieu of the required 15 foot along the south property line; to permit a 12 foot driveway in lieu of the required 20 ft. driveway; and to permit 15 parking spaces in lieu of the required 22 parking spaces for a fuel service station use-in-combination with a convenience store and fast food restaurant.

HEARING: TUESDAY, NOVEMBER 12, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Exxon Corporation
David K. Gildea, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN MUST POSTED ON THE PROPERTY BY OCTOBER 28, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 14, 1996

David K. Gildea, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 168
Case No.: 97-168-A
Petitioner: Exxon Corporation

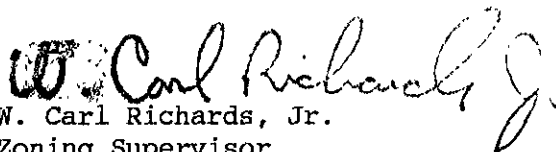
Dear Mr. Gildea:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 9, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: October 25, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for October 28, 1996
 Item No. 168

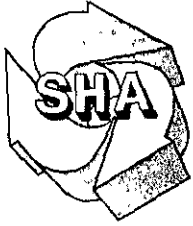
 The Development Plans Review Division has reviewed the subject zoning item. This office supports the variance requests related to the Baltimore County Landscape Manual. The planting design on the submitted Schematic Landscape Plan will need considerable refinement before the final Landscape Plan is approved and permits are released.

RWB:HJO:jrb

cc: File

ZONE34D

MICROFIL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

10-23-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 168 (JRA)


Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/21/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: EXXON CORP.

Location: SW/S BACK RIVER NECK RD. SEC OF EAST HOMBERG AVE.
(100 BACKRIVER NECK RD.)

Item No.: 168

Zoning Agenda: SPECIAL EXCEPTION/VARIANCE
SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

Handwritten signature
M. J. H. H. H.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 10/22/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Oct 21, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 161 166 174
162 168
163 169
164 171
165 172

RBS:sp

BRUCE2/DEPRM/TXTSBP

UNRECORDED

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: October 28, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 168 and 179

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Dary L. Burns

PK/JL

MICROFILMED

ITEM168/PZONE/ZAC1

PETITION PROBLEMS

#161 --- JRF

1. No item number on receipt.
2. Notary section is incomplete.

#164 --- JCM

1. Need printed or typed name of second legal owner.

#165 --- MJK

1. Need someone to sign for first legal owner. Also need authorization for that person to sign.

#167 --- JRA

1. Folder has paperwork for undersized lot -- Petition says nothing about an undersized lot.
2. Notary section is incorrect.

#168 --- JRA

1. Special Exception is on wrong form - This is a Special Hearing form, not Special Exception (see top paragraph of the form).
2. Need authorization for person to sign for legal owner.

#171 --- CAM

1. Need address and telephone number for legal owner.

#174 --- JRF

1. No item number on receipt.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
100 Back River Neck Rd, SW/S Back River		
Neck Rd, SEC of East Homberg Avenue	*	OF BALTIMORE COUNTY
15th Election District, 7th Councilmanic	*	CASE NO. 97-168-SPHXA
Exxon Corporation		
Petitioner	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 1996, a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 22, 1998

Mr. David K. Gildea
Whiteford, Taylor, & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, MD 21204-4515

RE: Zoning Verification
Exxon Station
100 Back River Neck Road
Zoning Case #97-168-SPHXA
15th Election District

Dear Mr. Gildea:

This letter confirms that, as requested in your correspondence of March 24 and 30, 1998, your plan changes for the above site, as approved by the Office of Planning and Community Conservation (OPCC) and the Department of Public Works (DPW) on April 14, 1998, are more in keeping with Section 405.4 Baltimore County Zoning Regulations (BCZR) and are approved by this office as more in keeping plan changes per Section 405.6.

Please document this approval on all future plans.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "John L. Lewis".

John L. Lewis
Planner II
Zoning Review

JLL:ch

c: zoning case #97-168-SPHXA



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

David K. Gledhill

Whiteford, Tager & Preston

210 W. Penn. Ave., Towson MD 21204

TIM WHITTIE

FREDERICK WARD ASSOCIATES, INC

5 South Main St. Bel Air, MD 21014

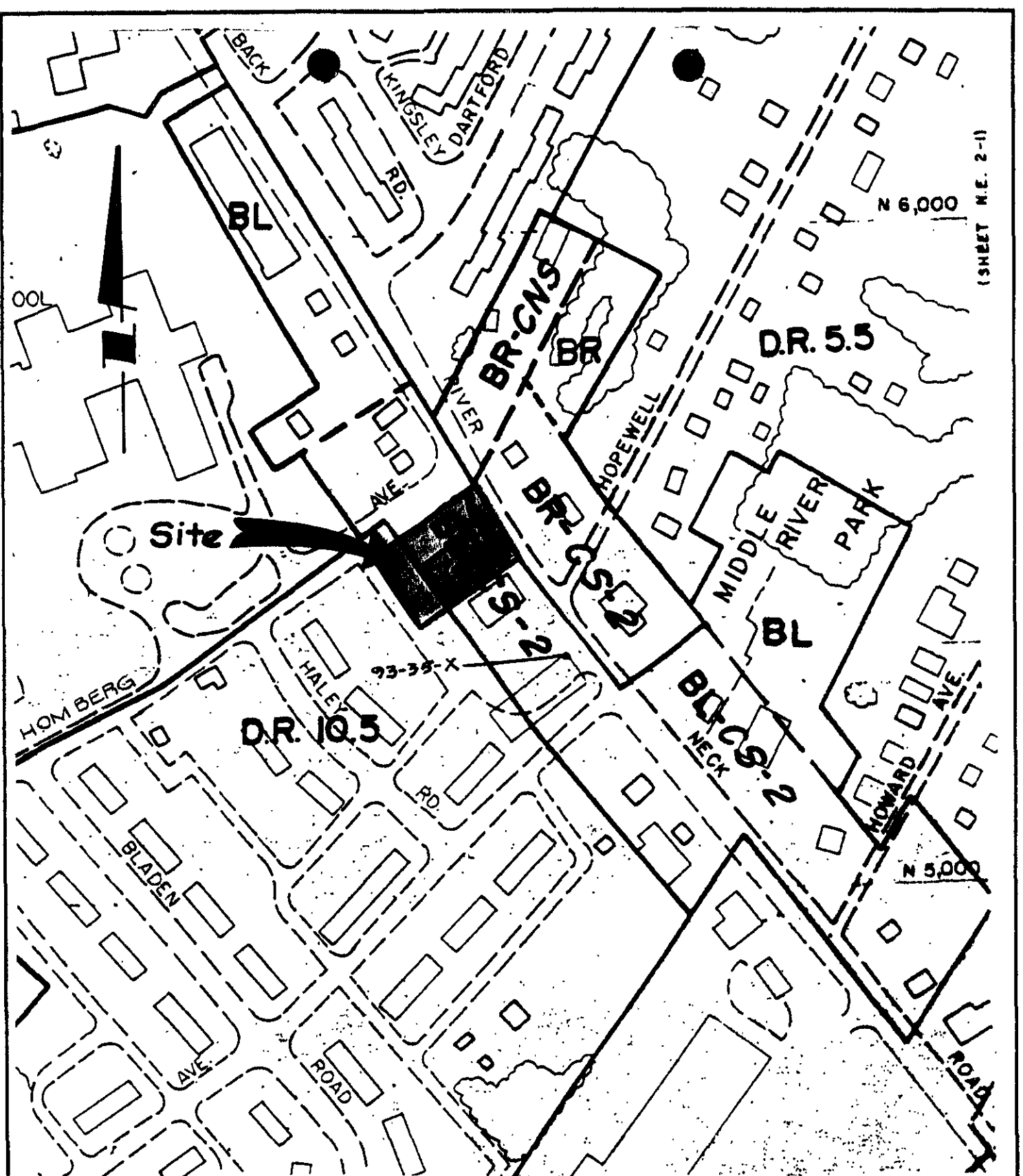
SHELLEY LE PLATT - Exxon

6301 IVY LANE SUITE 700

GREENBELT, MD 20770

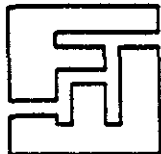
MICROFILMED





SCALE 1" = 200'	DATE 10-30-95
DR. BY E.C.B.	CH. BY G.H.R.
PLAT NO.	JOB NO. 24223

FREDERICK WARD ASSOCIATES, INC.



ENGINEERS-ARCHITECTS-SURVEYORS

5 SOUTH MAIN STREET
BAL. AIR, MARYLAND 21014-0727
(410)838-7900 (410)879-2090

200' ZONING MAP

FOR AN EXXON STATION AT
100 BACK RIVER NECK RD
BALTIMORE, MARYLAND

ELECTION DISTRICT: 15

MICROFILMED

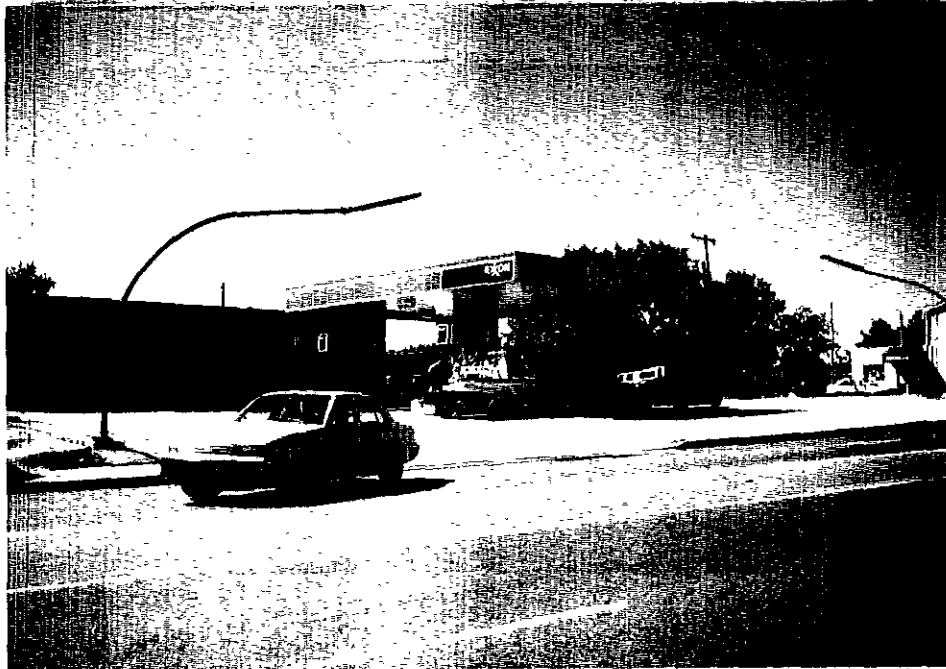
97-168-XA

168

~~97-173-A~~

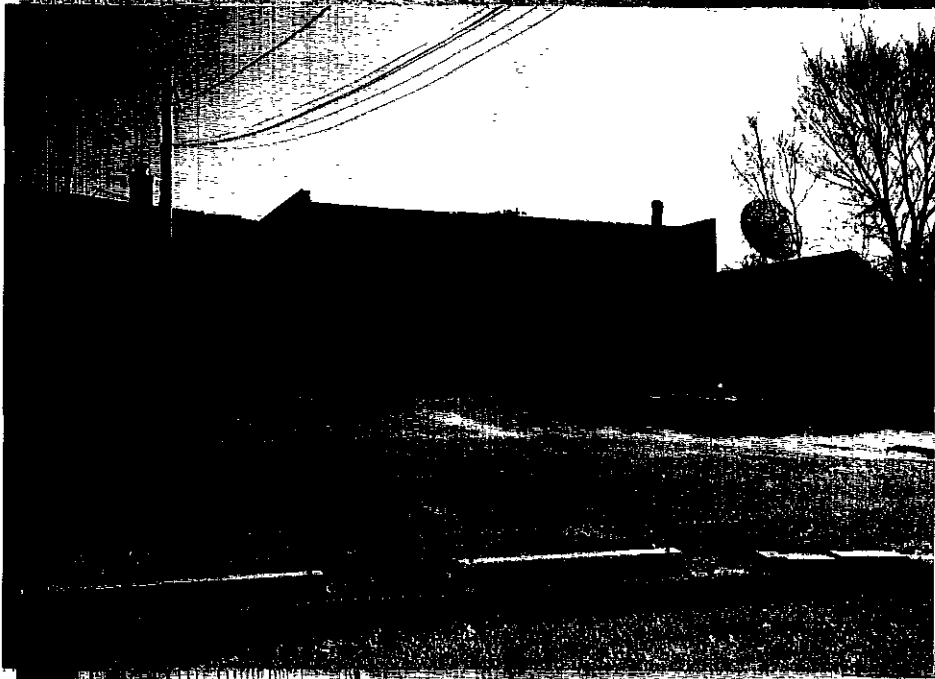
97-168 XA

MICROFILMED

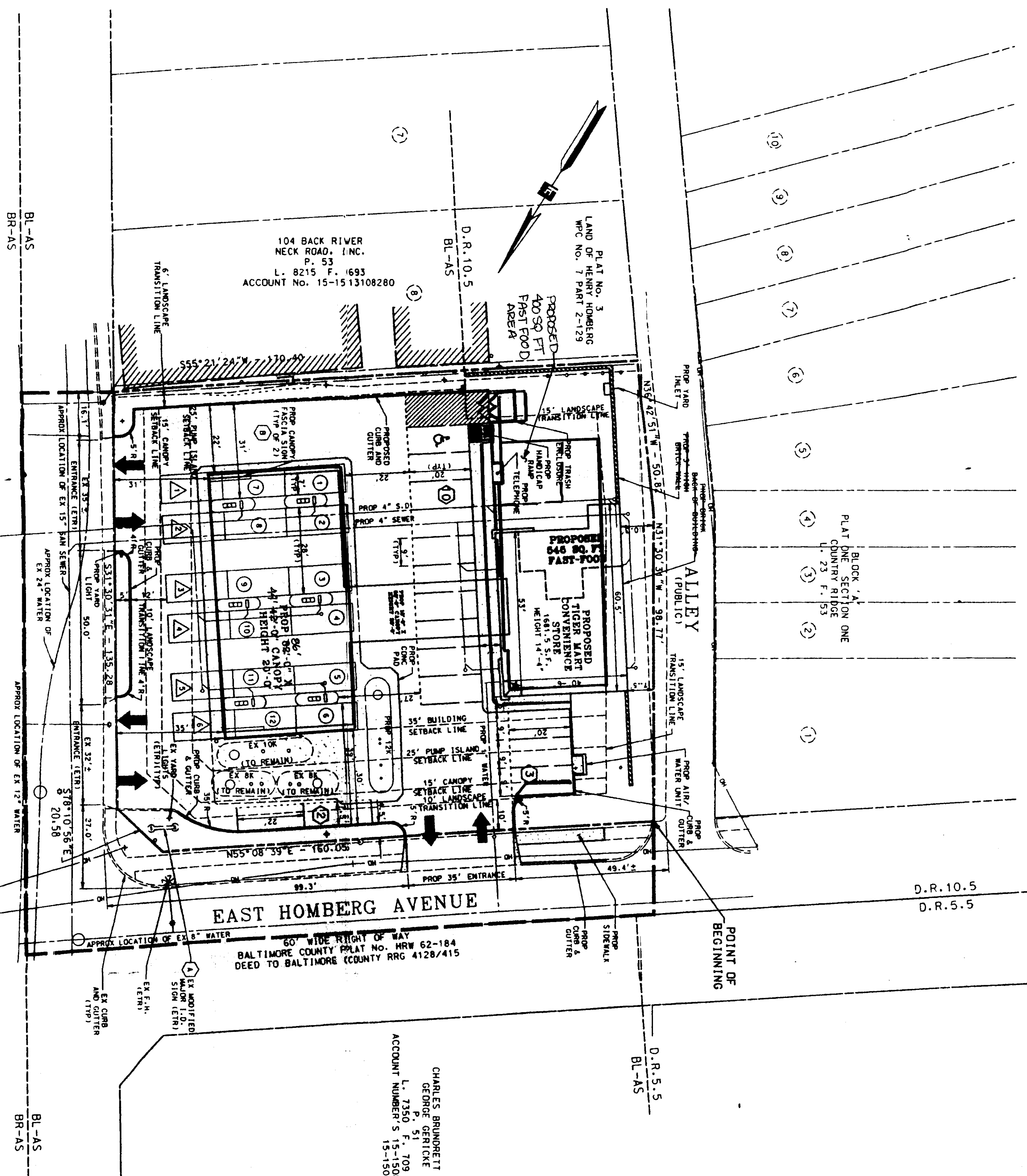












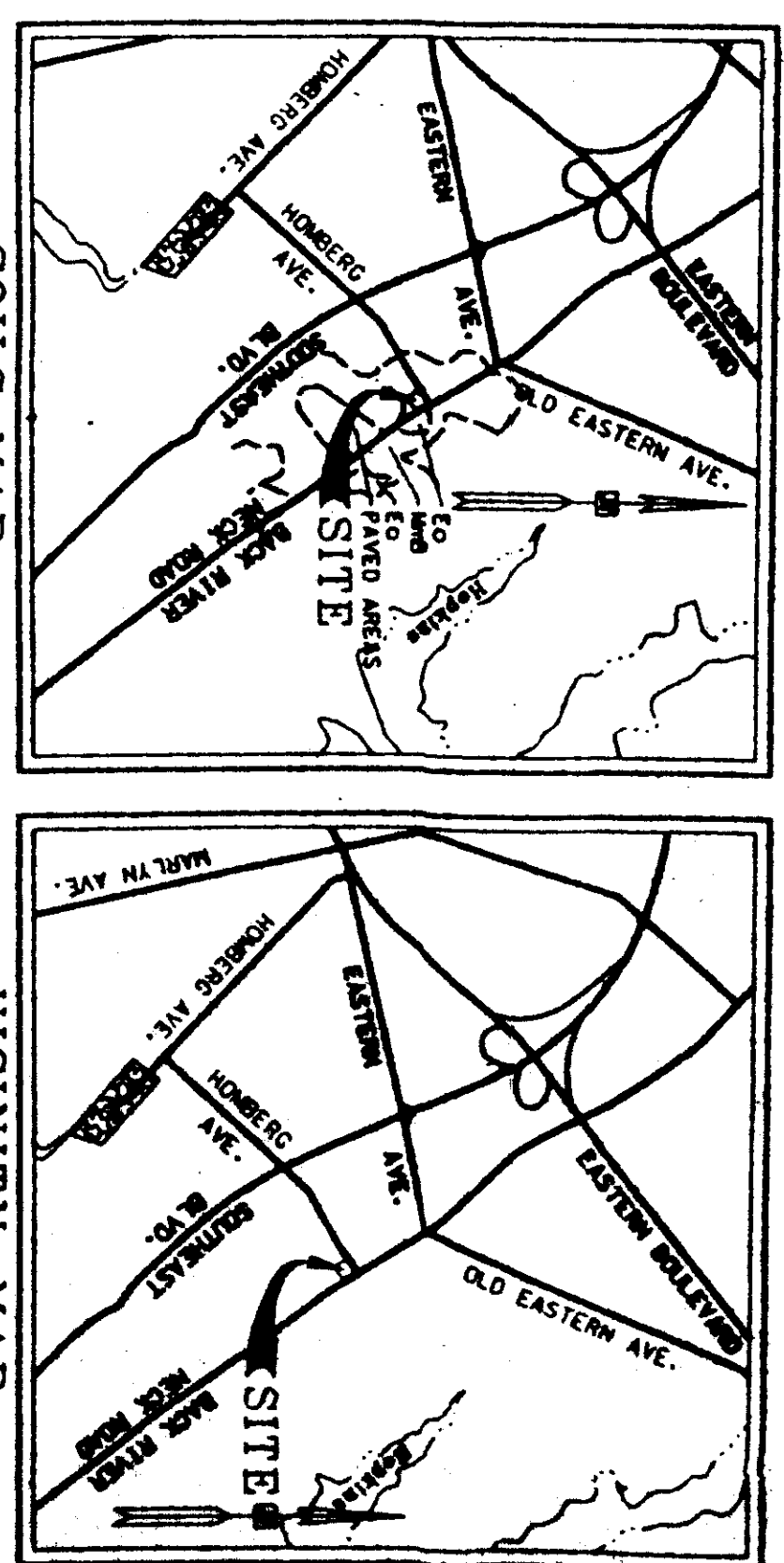
SOILS INFORMATION

SOILS TYPE

EO - ELKTON - URBAN LAND COMPLEX
MB - MATTAPEX - URBAN LAND COMPLEX

REFERENCE

SOIL SURVEY, BALTIMORE COUNTY, MARYLAND
UNITED STATES DEPARTMENT OF AGRICULTURE
NATIONAL CONSERVATION SERVICE, ISSUED MARCH, 1976, MAP. 4



SCALE: 1" = 1,000'








SCALE: 1" = 2.000'

LEGEND

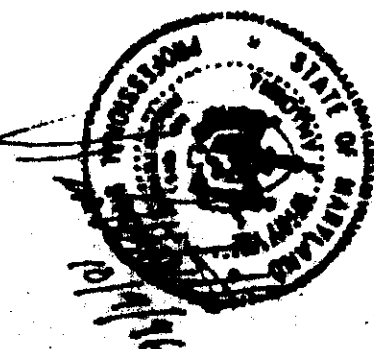
1. GROSS SITE AREA = 36,715 SQ.FT. OR 0.84 ACRES
2. NET SITE AREA = 20,975 SQ.FT. OR 0.59 ACRES
3. FLOOR AREA = 2,565 SQ.FT.
4. FLOOR AREA RATIO = 0.06
5. DEED REFERENCE: 10828/335
6. OWNER: EXCON CORPORATION
7. TAX ACCOUNT NUMBER: 15-151240041
8. TAX MAP 97, GRID 4, PARCEL 32
9. ELECTION DISTRICT: 15
10. CONGRESSIONAL DISTRICT: 7
11. EXISTING USE: 3 DAY FULL SERVICE STATION
12. PROPOSED USE: GAS AND CO WITH CONVENIENCE STORE AND FAST FOOD RESTAURANT
12. CENSUS TRACT: 4508.02
13. EXISTING IMPERVIOUS AREA = 52,624 SQ.FT. OR 0.98 AC.
14. PROPOSED IMPERVIOUS AREA = 20,975 SQ.FT. OR 0.48 AC.
15. PROPOSED LANDSCAPE AREA = 5,460 SQ.FT. OR 0.12 AC.
16. THE SITE IS NOT WITHIN THE 100 YEAR FLOOD PLAIN.
17. THERE ARE NO WETLANDS WITHIN THE SITE BOUNDARIES.
18. MASS TRANSIT SERVICE TO THE SITE = 2.3 A 55 BUS LINES.
19. WATERSHED: 21
20. SLOPES/SHEDS: 38
21. COMPRESSED AIR, WATER AND RESTROOM FACILITIES WILL BE AVAILABLE FOR CUSTOMER USE
22. TOPOGRAPHY AND BOUNDARY HAS TAKEN FROM A SURVEY PLAIN PREPARED BY FREDERICK HANCO ASSOCIATES, INC. ON FEBRUARY 29, 1995.
- A. ZONING STATUS
1. EXISTING ZONING: BL-45
B. AREA REQUIREMENTS
1. 6,018 SQUARE FEET WITH 6 MULTI-PRODUCT DISPENSERS SERVING A TOTAL OF 12 CARS AT ONE TIME.
2. 1,000 SQ. FT. OF STORAGE SPACE
3. 1,000 SQ. FT. OF SERVICE SPACE PROVIDED = 12
4. SITE AREA REQUIRED = 12 x 1,500 SQ.FT. = 18,000 SQ. FT.
C. USE-IN-COMBINATIONS: 2160
1. CONVENIENCE STORE 4 x 4444 SQ.FT. SALES AREA 1772 SQ.FT.
2. FAST-FOOD RESTAURANT 4 x 4444 SQ.FT. = 2112 SQ.FT.
3. REQUIRED 18,000 SQ.FT. + 4444 SQ.FT. + 4444 = 26,888 SQ.FT. PROVIDED 36,714 SQ.FT. 8040 261040
D. ACCESS POINTS
1. EXISTING:
A. ONE (1) 35' W/ ENTRANCE ONTO BACK RIVER HIGH ROAD
B. ONE (1) 32' W/ ENTRANCE ONTO BACK RIVER HIGH ROAD
2. PROPOSED:
A. ONE (1) 35' ENTRANCE ONTO EAST HANOVER LANE
E. PARKING
1. REQUIRED: 1 SPACE PER EMPLOYEE ON LATEST SHIFT = 143 = 3 SPACES
2. CONVENIENCE STORE 1000 SQ.FT. x 2160 SQ.FT. = 2160 SPACES
3. FAST-FOOD RESTAURANT 1,000 SQ.FT. x 2160 SQ.FT. = 2160 SPACES
4. 16 SPACES PER 1,000 SQ. FT. x 500 SQ. FT. = 8 SPACES
5. 1 SPACE PER AIR UNIT
TOTAL PARKING REQUIRED = 143 + 2160 + 8 = 2311 SPACES
2. PROVIDED: 15 SPACES (INCLUDING 1 HANDICAPPED SPACE)
F. SITE ADDRESS
EXCON COMPANY U.S.A.
1000 W. HANOVER LANE
ESSEX, MASSACHUSETTS 01521
G. REQUIRED STRUTCHES
1. BUILDING
A. 10 RIGID OR MAX = 35'
B. 10 PROPERTY LINE COMMERCIAL = 0'
C. 10 PROPERTY LINE RESIDENTIAL = 0'
2. CLOUTY 3' 10"

EXISTING GROSS AND MAXIMUM DENSITY PERMITTED				
ZONE	ACRES	FLOOR AREA RATIO ALLOWED	DENSITY UNITS	FLOOR AREA RATIO PROPOSED
BR-AS	0.0443	3.0	NA	0.05


SITE DATA

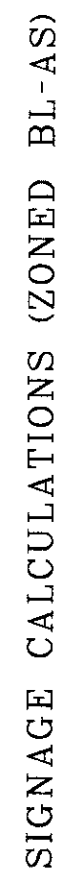
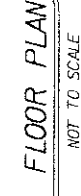
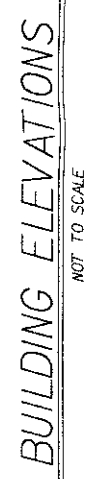
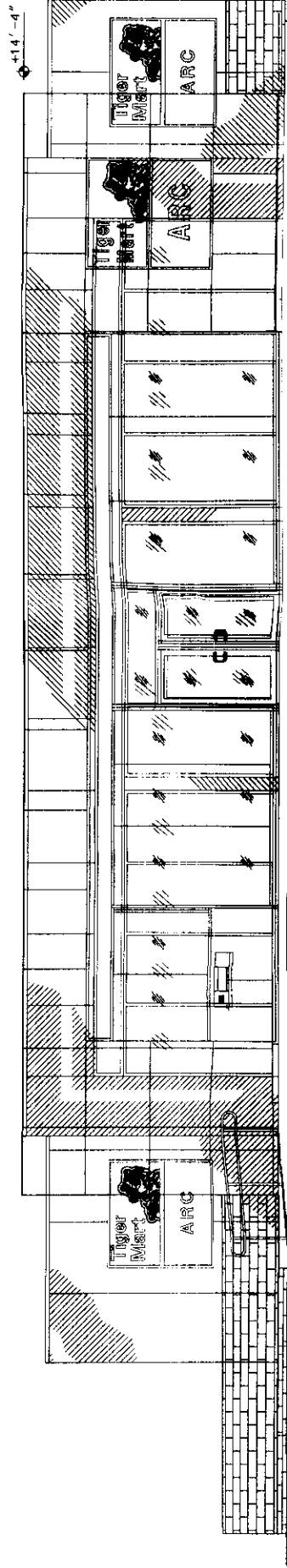
- LEGEND
- | | | |
|----------------------------|---|-------------------|
| ⑧ PARKING SPACES |  | GAS PUMP STACKING |
| ⑧ LOT NUMBER |  | HAS PUMP WAITING |
| ↓ FLOW OF TRAFFIC |  | |
| NOT STRIPED |  | |
| TO BE REMOVED |  | |
| EXISTING BUILDING |  | |
| () EXISTING TO REMAIN |  | |
- H.
2. 1986 CAMP ISSUE # 7-048: REDUCE FROM D.R., 10-5 TO 80-65.
 3. ZONING REQUESTING TO MATCH PREVIOUSLY APPROVED ZONING.
1. PLAN CASE NO. 86-337.
 4. 2. SPECIAL EXCEPTION - FILL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE AND FAST-FOOD RESTAURANT.
 5. 3. A1 VARIANCE TO THE LANDSCAPE TRANSITION AREA REQUIREMENTS OF SECTION 605.4, A2, B2, C1 TO PERMIT A 10' IN LIEU OF THE 15' ALONG HOUSERS AVENUE, 1'5' IN LIEU OF THE 15' ALONG THE PUBLIC ALLEY AND 6' IN LIEU OF THE 15' ALONG THE SOUTH PROPERTY LINE.
 6. B) VARIANCE TO SECTION 609.4-4 TO PERMIT A 12' DRIVEWAY IN LIEU OF THE REQUIRED 20' DRIVEWAY.
 7. C) VARIANCE TO SECTION 609.4-5 TO PERMIT DRIVEWAY IN LIEU OF THE REQUIRED 20' DRIVEWAY.
 8. D) VARIANCE TO SECTION 609.4-6 TO PERMIT DRIVEWAY IN LIEU OF THE REQUIRED 20' DRIVEWAY.
1. SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE AND FAST-FOOD RESTAURANT.

APPROVED MORE IN
KEEPING PLAN.
CHSE# 97-168-SPHXA Public Works
Public Works
4/11/98
4/17/98



PLAN TO ACCOMPANY SPECIAL EXCEPTION,
SPECIAL HEARING AND VARIANCE PETITION

OWNER/DEVELOPER/APPLICANT		PROJECT NO.	
EXON COMPANY, U.S.A. 6301 IVY LANE SUITE 700 GREENBELT, MARYLAND 20770 PHONE: (301) 451-7511 ATTENTION: SALES SPECIALIST		94223-00 D15C: NO.	
 FREDERICK WARD ASSOCIATES INC. ENGINEERS ARCHITECTS SURVEYORS 5 SOUTH MAIN STREET BEL AIR, MARYLAND 21035 (410) 838-7800 (410) 878-5090		Aerial and Ground Cooperative Map Drawing & Engineering	
DATE	REVISIONS	BY	CHK.
EXON COMPANY, U.S.A. Marketing Department DATE: 10/03/79s		FOR AN EXON STATION AT DRAWN BY: DMAN CHK. BY: TBE SCALE: 1" = 20' FIFTEENTH ELECTION DISTRICT SEASON COMMUNALISTIC DISTRICT	
SITE LAYOUT PLAN			
P.A.S. NO. 2-9718		SMALLER DIM.	
DGC: NO.		04 OF 04	



EXISTING "EXXON" I.D.	=	33-14 S.F.	26.82
ANCILLARY "TIGER MARL"	=	29-53 S.F.	24.91
ANCILLARY "ARC"	=	28-53 S.F.	15.53
TOTAL (PRESTANDING)	=	92-20 S.F.	66.26

36.00
PROPOSED BUILDING SIGN -4200 SQ.FT.
TWO INTERNALLY ILLUMINATED SINGLE FACE 12000 SQ. FT.
SCALE NOT TO SCALE

OWNER/DEVELOPER/APPLICANT
EXXON CORPORATION
6301 IVY LANE
SUITE 700
GREENBELT, MARYLAND 20770
PHONE: 1(301)513-7511
ATTN: MR. MIKE SPECHT

FREDERICK WARD ASSOCIATES, INC.
ENGINEERS • ARCHITECTS • SURVEYORS

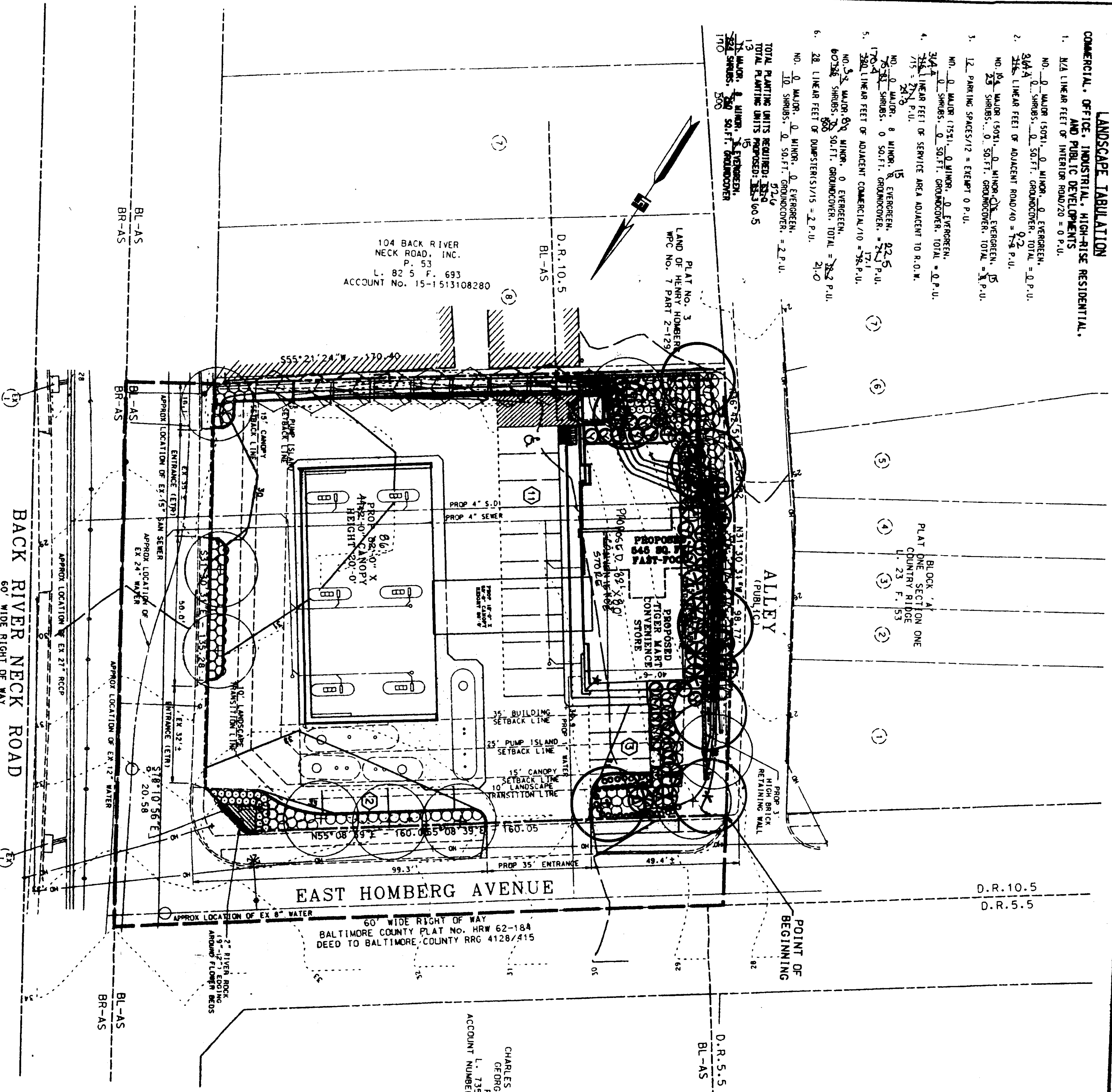
P.O. BOX 727, 5 SOUTH MAIN STREET, BEL AIR, MARYLAND 21014
PHONE: (410) 879-2090 (410) 838-7900 FAX: (410) 893-1243

EXXON COMPANY, U.S.A.
 A DIVISION OF EXXON CORPORATION
 Marketing Department
 Real Estate & Engineering

PLAN TO ACCOMPANY SPECIAL EXCEPTION,
SPECIAL HEARING AND VARIANCE PETITION

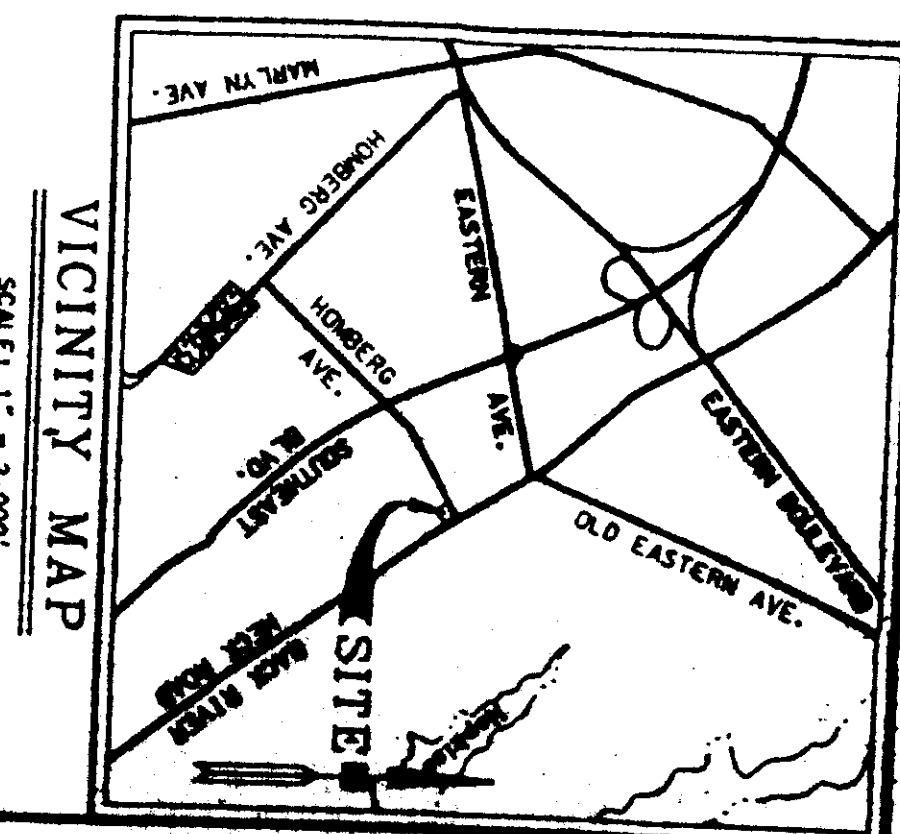
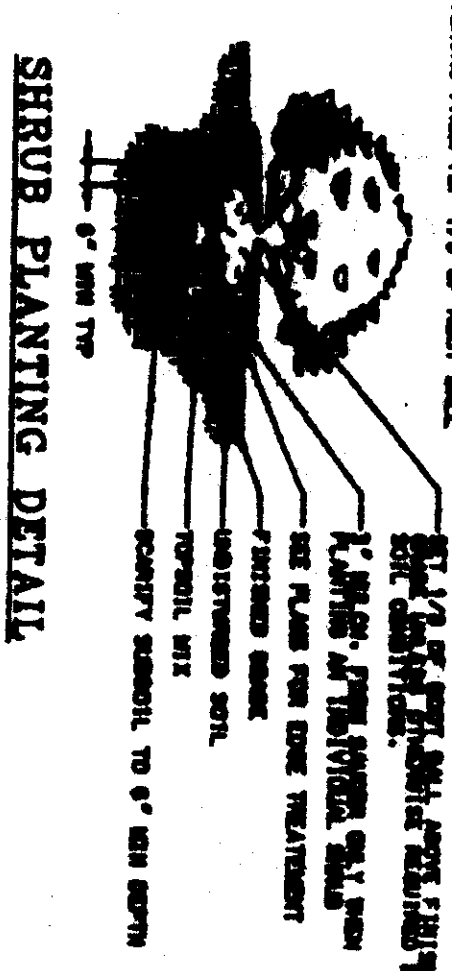
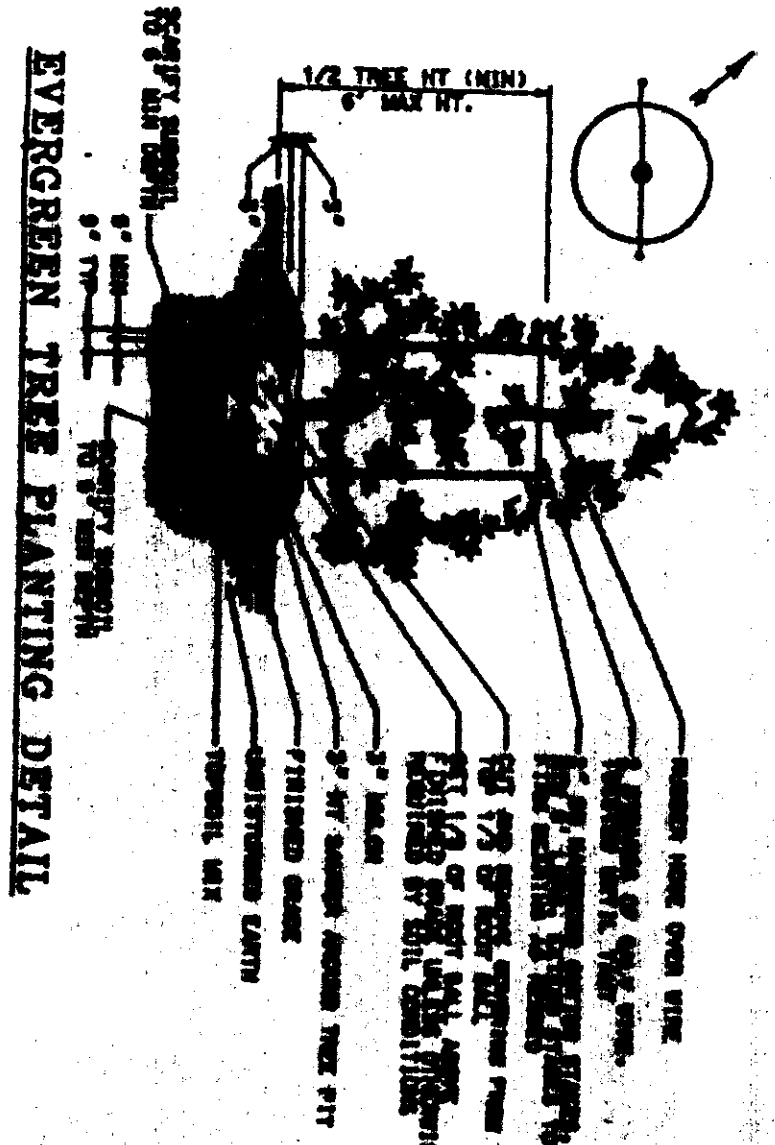
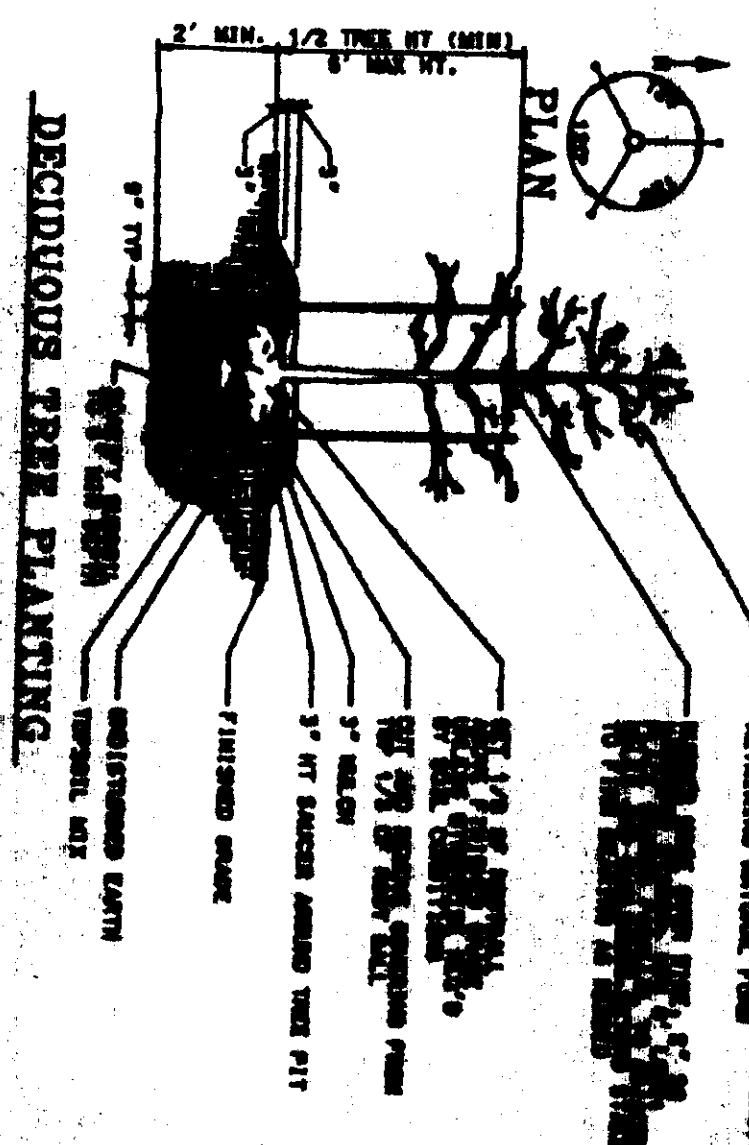
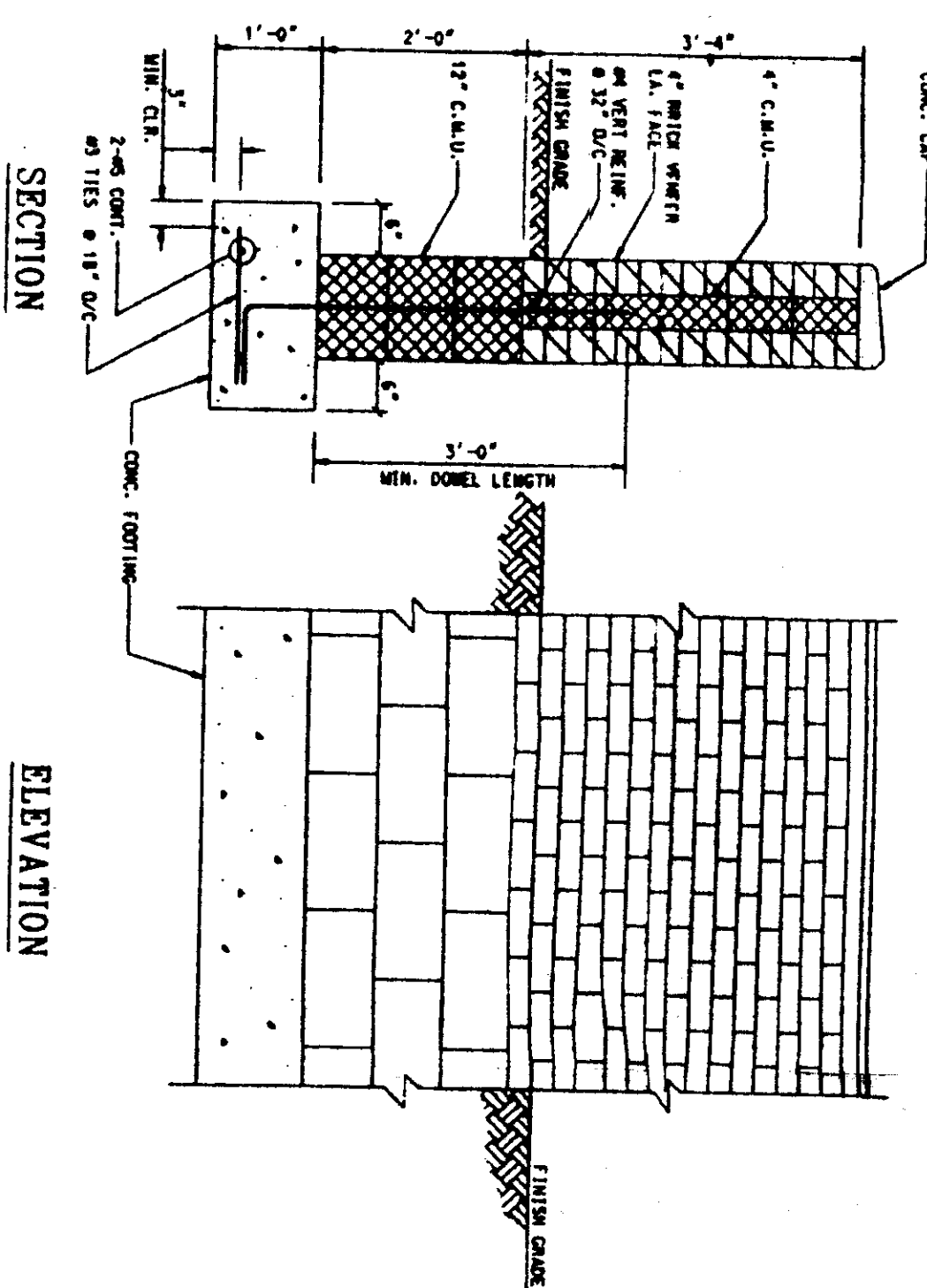
LANDSCAPE TABULATION
COMMERCIAL, OFFICE, INDUSTRIAL, HIGH-RISE RESIDENTIAL,
AND PUBLIC DEVELOPMENTS

1. 1/4 LINEAR FEET OF INTERIOR ROAD/20 = 0 P.U.
NO. 0 MAJOR, 150 1.0 MINOR, 0 ERECTOR, 0 P.U.
364.4 0 SHARDS, 0 50-FT. GRINDROUNDER, TOTAL = 0 P.U.
 2. 1/2 LINEAR FEET OF ADJACENT ROAD/40 = 9.2 P.U.
NO. 10 MAJOR, 150 1.0 MINOR, 0 ERECTOR, 15 P.U.
364.4 0 SHARDS, 0 50-FT. GRINDROUNDER, TOTAL = 9.2 P.U.
 3. 1/2 PARKING SPACES/12 = ERECTOR 0 P.U.
NO. 0 MAJOR, 175 1.0 MINOR, 0 ERECTOR, 0 P.U.
364.4 0 SHARDS, 0 50-FT. GRINDROUNDER, TOTAL = 0 P.U.
 4. 1/2 LINEAR FEET OF SERVICE AREA ADJACENT TO R.O. W.
7/15 = 27.8 P.U.
NO. 0 MAJOR, 8 MINOR, 15 ERECTOR, 22.5 P.U.
170.4 0 SHARDS, 0 50-FT. GRINDROUNDER, TOTAL = 27.8 P.U.
 5. 280 LINEAR FEET OF ADJACENT COMMERCIAL/10 = 28 P.U.
NO. 3 MAJOR, 80 MINOR, 0 ERECTOR, 0 P.U.
607.2 0 SHARDS, 0 50-FT. GRINDROUNDER, TOTAL = 28 P.U.
 6. 28 LINEAR FEET OF DUMPS/STIS/15 = 2 P.U.
NO. 0 MAJOR, 0 MINOR, 0 ERECTOR, 0 P.U.
10 0 SHARDS, 0 50-FT. GRINDROUNDER, TOTAL = 2 P.U.
- TOTAL PLATING UNITS REQUIRED = 92.0
TOTAL PLATING UNITS AVAILABLE = 360.5
13 MAJOR, 1 MINOR, 3 ERECTOR, 3 SHARDS
170 50-FT. GRINDROUNDER
560

[illegible]

CHARLES BRUNDRETT &
GEORGE GERICKF
P. 51
L. 7350 F. 709
ACCOUNT NUMBER'S 15-150800
15-15080'

- 1) ALL NURSERY STOCK SHALL CONFORM TO AMERICAN ASSOCIATION OF NURSERMEN, INC. STANDARDS AS DESCRIBED IN "AMERICAN STANDARDS FOR NURSERY STOCK" LATEST EDITION.
- 2) ALL PLANTING PROCEDURES AND SPECIFICATIONS SHALL CONFORM TO "LANDSCAPE SPECIFICATION GUIDELINES FOR THE BALTIMORE-WASHINGTON METROPOLITAN AREA" LATEST EDITION.



PLAN TO ACCOMPANY SPECIAL EXCEPTION
SPECIAL HEARING AND VARIANCE PETITION

OWNER/DEVELOPER/APPLICANT
EXXON COMPANY, U.S.A.

6301 IVY LANE
SUITE 700
GREENBELT, MARYLAND 20770
PHONE: 1(301)513-7511
ATTN: MR. MIKE SPECHT



ENGINEERS
5 SOUTH MAIN STREET
(410) 838-7900

WARD ASSOCIATES INC
ARCHITECTS • SURVEYORS

SURVEYORS
EL. MR. MARY ANNE
(410) 879-2080

DATE	REVISIONS
------	-----------

--	--	--	--

	BY	CH
--	----	----

EXXON COMPANY, U.S.A.

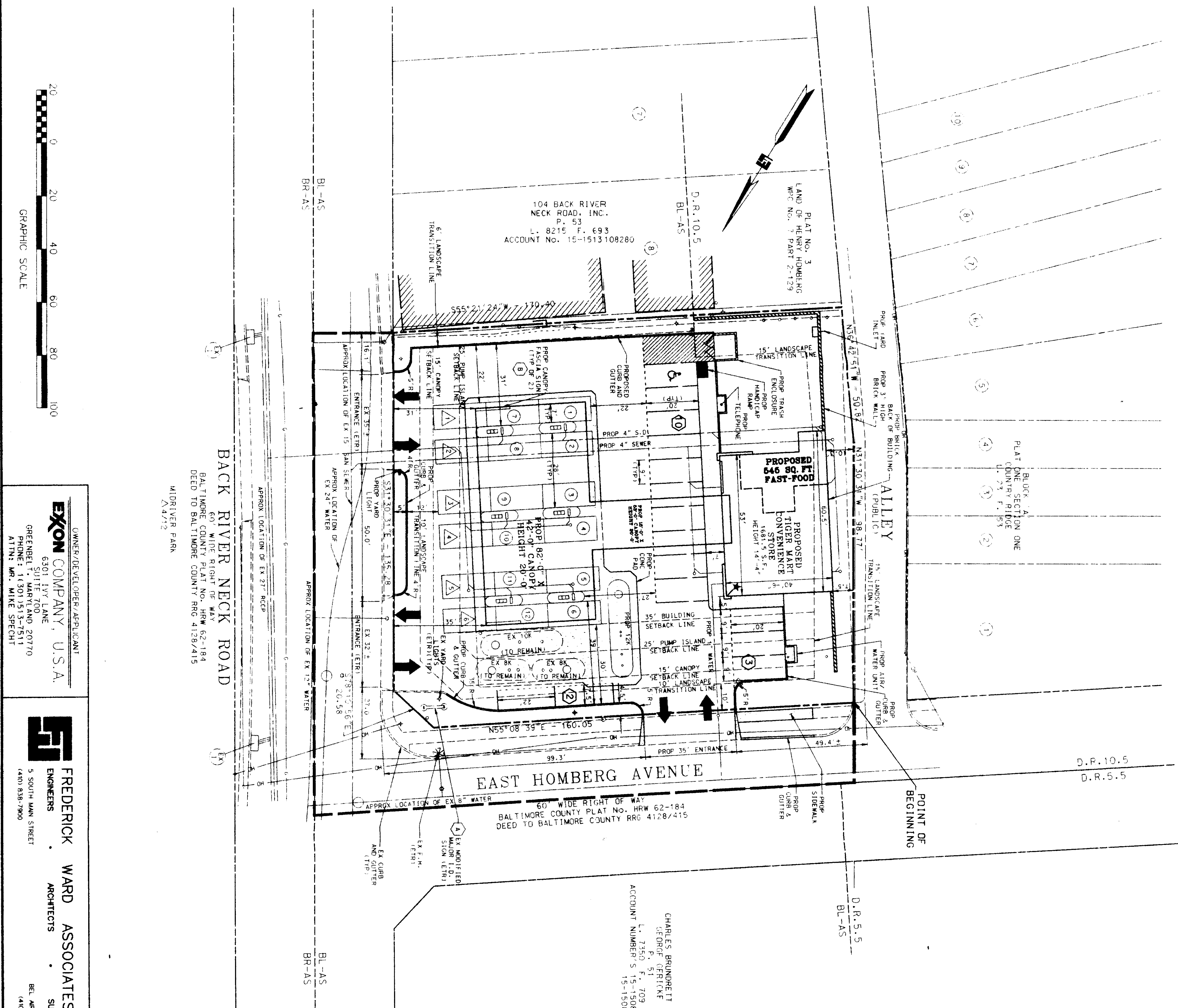
Marketing Department		
DATE: 10/7/96		LAND FOR A
DRAWN BY: GM/WM		

PROJECT

Real Estate & Engineering	942
CAPE PLAN	DISC. NO.
STATION AT	SYLAGE
	MAS. NO.

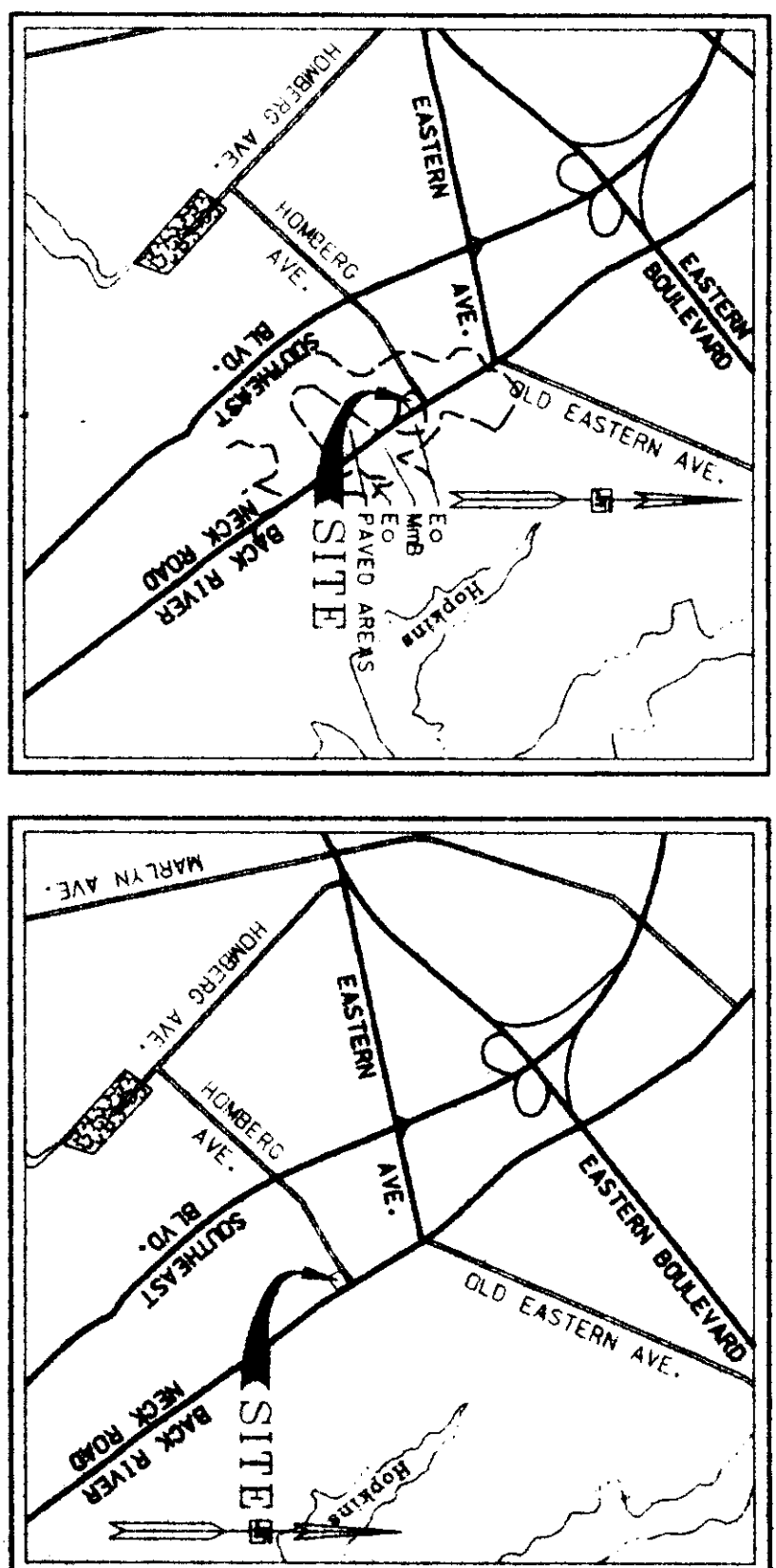
1

0	Don
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SOILS INFORMATION

SOIL TYPE
EU - ELUTION - URBAN LAND COMPLEX
WB - WATIAPEX - URBAN LAND COMPLEX
REFERENCE
SOIL SURVEY, BALTIMORE COUNTY, MARYLAND
UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE, ISSUED MARCH, 1976, MAP, 44



SITE INFORMATION

1. GROSS SITE AREA = 36,775 SQ. FT. OR 0.84 ACRES
 2. NET SITE AREA = 25,975 SQ. FT. OR 0.59 ACRES
 3. FLOOR AREA = 2,146.5 SQ. FT.
 4. FLOOR AREA RATIO = 0.06
 5. DEED REFERENCE: 10888/2356
 6. OWNER: EXON CORPORATION
 7. TAX ACCOUNT NUMBER: 15-115600941
 8. ELECTION DISTRICT: 15
 9. CONUNCLAMANT DISTRICT: 7
 10. EXISTING USE: 3 BAY FULL SERVICE STATION
 11. PROPOSED USE: GAS AND QD WITH CONVENIENCE STORE AND 20,000 RESTAURANT
 12. CENSUS TRACT: 1508.02
 13. EXISTING IMPERVIOUS AREA = 25,626 SQ. FT. OR 0.59 AC.
 14. PROPOSED IMPERVIOUS AREA = 20,942 SQ. FT. OR 0.48 AC.
 15. PROPOSED LANDSCAPE AREA = 5,033 SQ. FT. OR 0.12 AC.
 16. THE SITE IS NOT WITHIN THE 100 YEAR FLOOD PLAIN.
 17. THERE ARE NO WETLANDS WITHIN THE SITE BOUNDARIES.
 18. MASS TRANSIT SERVICE TO THE SITE = 24 X 60 BUS LINES.
 19. WATERSHED: 21
 20. SUPERSEDED: 38
 21. COMPRESSED AIR, WATER AND RESTROOM FACILITIES WILL BE PROVIDED BY EXON CORPORATION.
 22. TOPOGRAPHY AND BOUNDARY WAS TAKEN FROM A SURVEY PLAN PREPARED BY FREDERICK WARD ASSOCIATES, INC. DATE: FEBRUARY 21, 1995.
- LEGEND**
- ① LOT NUMBER
 - ② FLOW OF TRAFFIC (NOT SHOWN)
 - ③ TO BE REMOVED
 - ④ TO BE REMAINED
 - ⑤ EXISTING BUILDING
 - ⑥ GAS PUMP STAKING
 - ⑦ GAS PUMP WAITING
 - ⑧ EXISTING BUILDING
- SITE DATA**
- | EXISTING GROSS AND MAXIMUM DENSITY PERMITTED | EXISTING GROSS AND MAXIMUM DENSITY PERMITTED | EXISTING GROSS AND MAXIMUM DENSITY PERMITTED |
|--|--|--|
| ZONE | ACRES | FLOOR AREA |
| BL-AS | 0.8443 | 5.0 |
| BL-AS | 0.8443 | 5.0 |
- EXON CORPORATION, U.S.A.**
- PLAN TO ACCOMPANY SPECIAL EXCEPTION**
- SPECIAL HEARING AND VARIANCE PETITION**

OWNER/DEVELOPER/APPLICANT
EXON COMPANY, U.S.A.
6301 IYV LANE
SUITE 700
GREENBELT, MD 20770
PHONE: (301) 541-1511
ATTN: MR. MIKE SPECHT

FREDERICK WARD ASSOCIATES, INC.
ARCHITECTS
SURVEYORS
5 SOUTH MAIN STREET
BALTIMORE, MD 21201
PHONE: (410) 838-7900
(410) 873-2000

DATE	REVISIONS	BY	CHK.	PROJECT NO.
				94223.00
				015C. NO.
				SK SITE2.DGN
				2-5748
				02 OF 04

DATE: 10/07/96

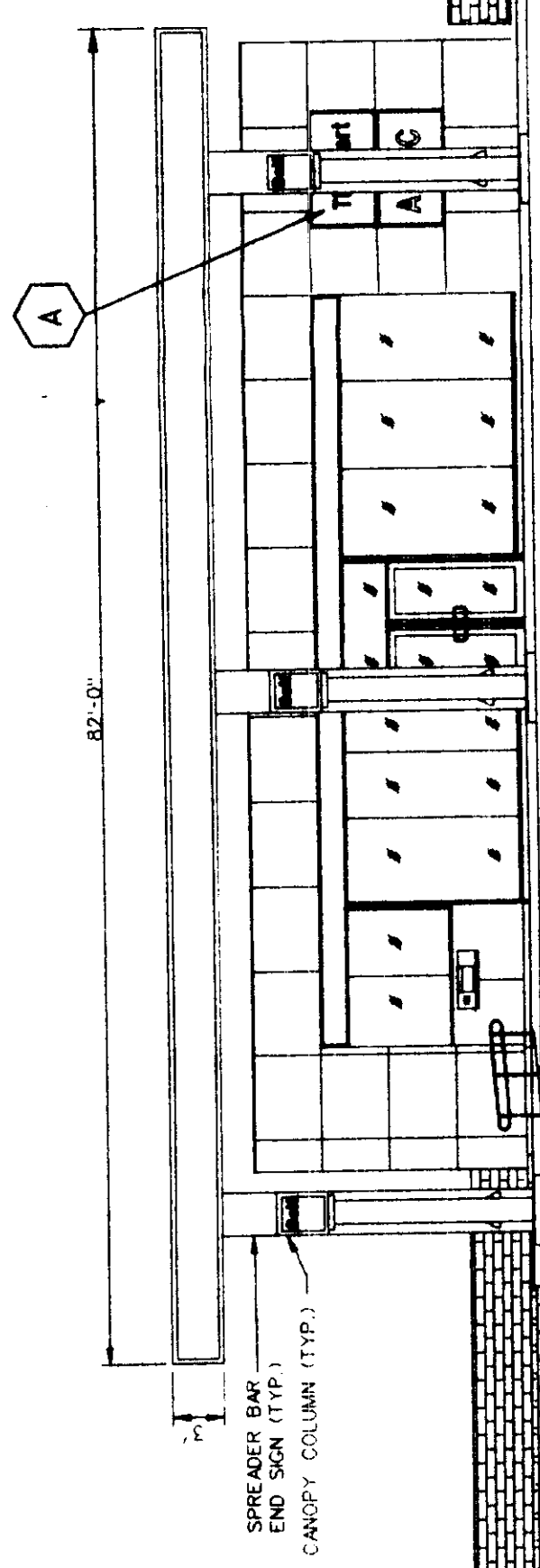
DRAWN BY: GWM/KM

CHK. BY: JFM

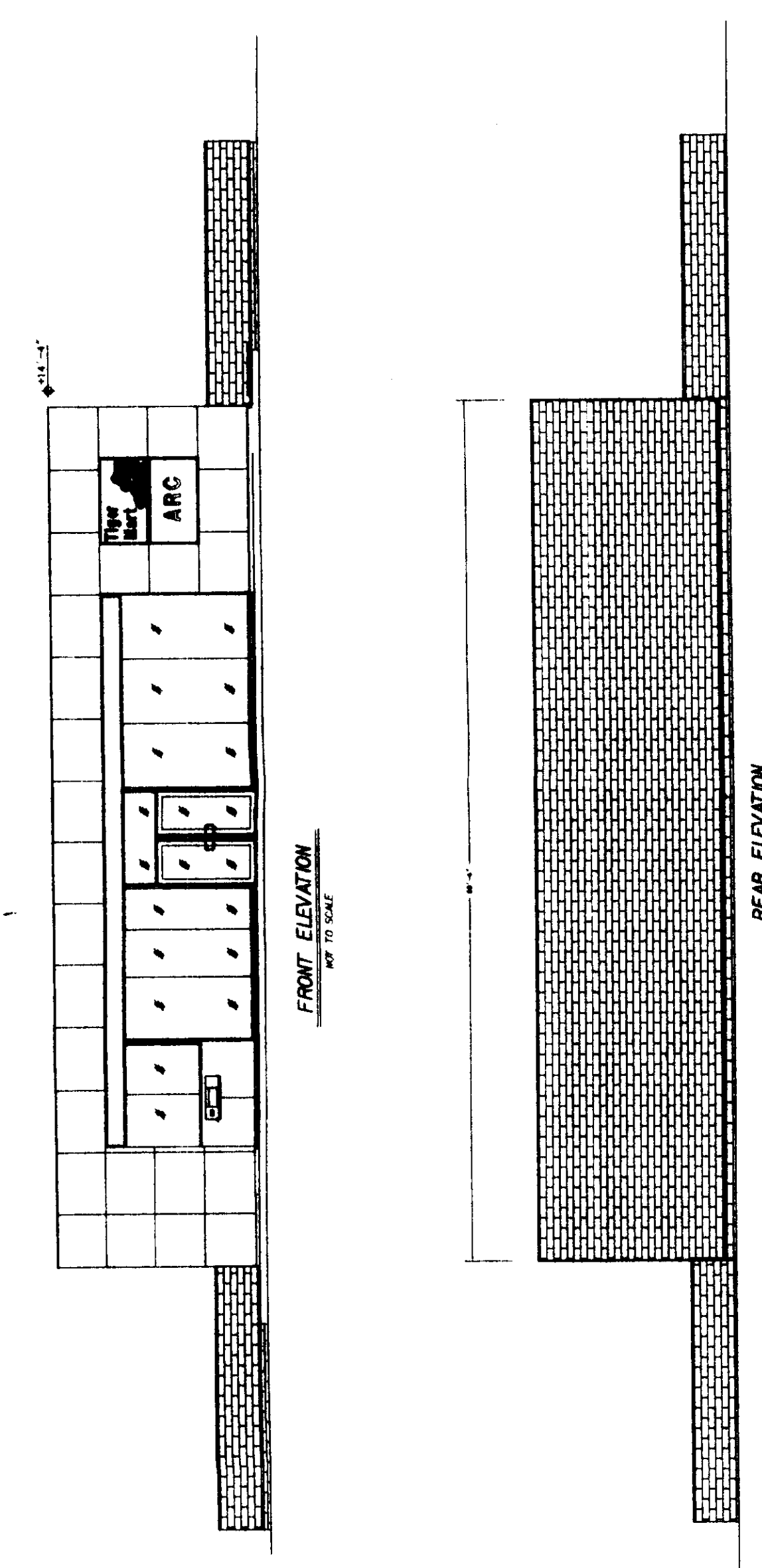
SCALE: 1" = 20'

FIFTEENTH ELECTION DISTRICT

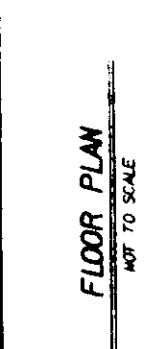
SEVENTH CONUNCLAMANT DISTRICT



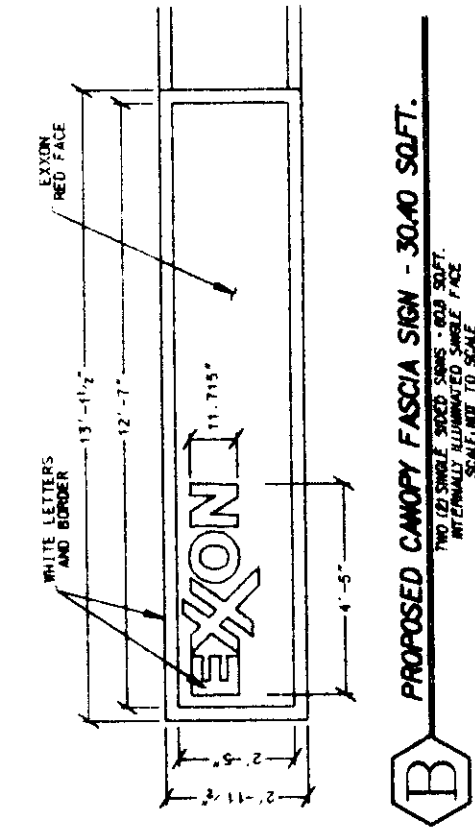
BUILDING ELEVATIONS
NOT TO SCALE



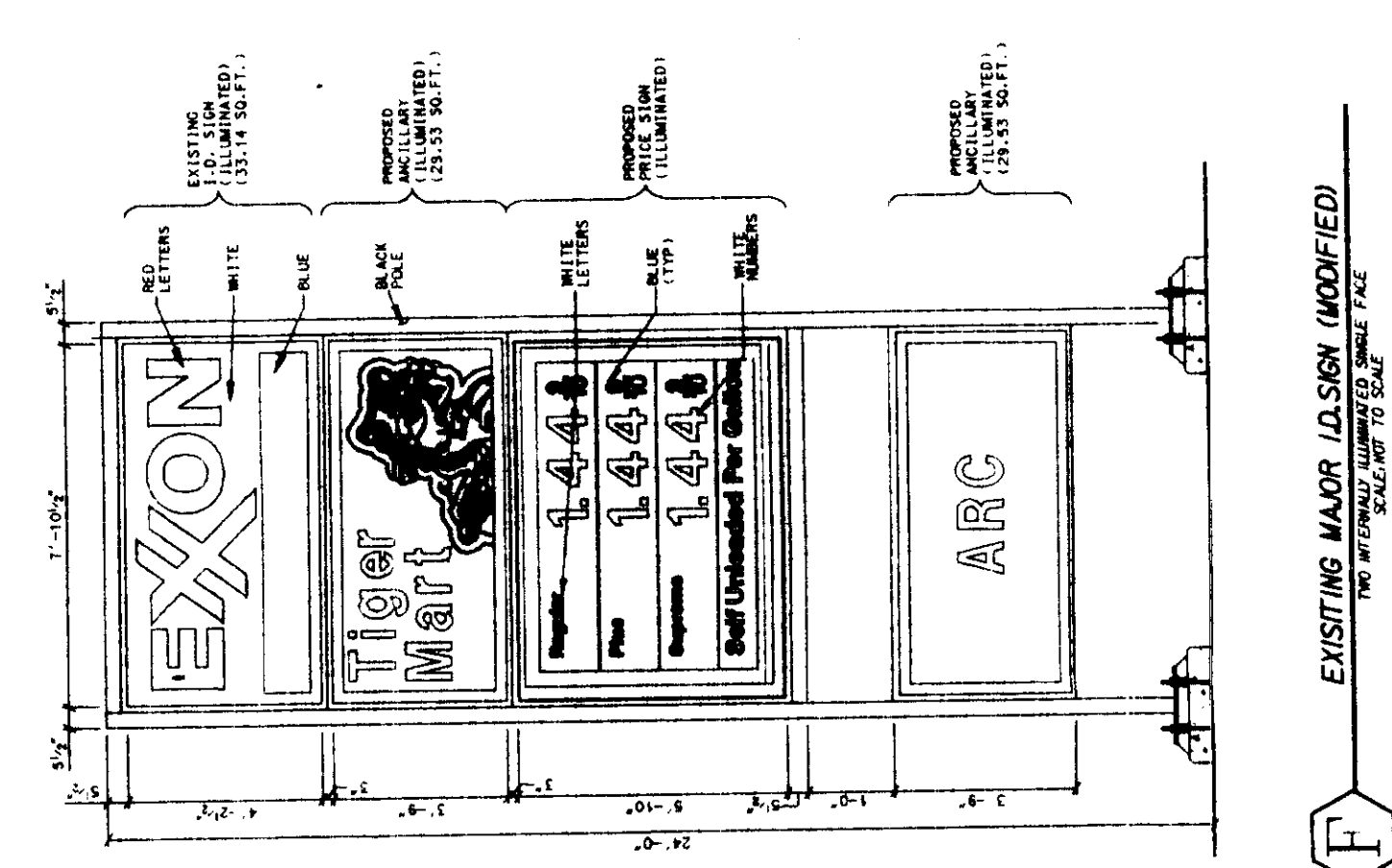
BUILDING ELEVATIONS
NOT TO SCALE



FLOOR PLAN



PROPOSED CANOPY FASCIA SIGN - 30.40 SQ.FT.
Two (2) Square Sided Signs - 60.80 SQ.FT.



EXISTING MAJOR I.D. SIGN (MODIFIED)

A. <u>FREESTANDING SIGN</u>		
1. ALLOWABLE SIGN AREA: (NOT TO EXCEED THREE (3) SIGNS)		= 100.00 S.F.
2. PROPOSED SIGN AREA:		
EXISTING "EXXON" (I.O.		= 33.14 S.F.
ANCILLARY "TIGER MART"		= 29.53 S.F.
ANCILLARY "ARC"		= 23.53 S.F.
TOTAL (FREESTANDING) =	96.20 S.F.	
* TOTAL DOES NOT INCLUDE PRICE AREA REQUIRED BY MARYLAND LAW.		
B. <u>BUILDING SIGNS</u>		
1. <u>CONVENIENCE STORE</u> (1 EACH SINGLE FACED)		
a. ALLOWED FRONT: 1 X 55		= 220.00 S.F.
PROPOSED FRONT: "TIGER MART" AND "ARC"		= 42.00 S.F.
b. ALLOWED SIDE: 4 X 40.5'		= 162.0 S.F.
PROPOSED SIDE: "TIGER MART"		= 42.00 S.F.
2. <u>CANDY FASCIA SIGNS</u> (2 EACH SINGLE FACED)		
a. ALLOWED SIDE: 4 X 42'-0"		= 168.00 S.F.
PROPOSED SIDE: TWO (2) "EXXON" CANDY FASCIA SIGNS		TOTAL = 60.80 S.F.

* TOTAL DOES NOT INCLUDE PRICE AREA REQUIRED BY MARYLAND LAW.

B. BUILDING SIGNS

1. CONVENIENCE STORE (1 EACH SINGLE FACED)
 - a. ALLOWED FRONT: 4 X 55
PROPOSED FRONT:
"TIGER MART" AND "ARC"
= 220.00 S.F.
 - b. ALLOWED SIDE: 4 X 40.5'
PROPOSED SIDE: "TIGER MART"
= 42.00 S.F.
= 162.0 S.F.
= 42.00 S.F.
2. CANOPY FASCIA SIONS (2 EACH SINGLE FACED)
 - a. ALLOWED SIDE: 4 X 42'-0"
= 168.00 S.F.

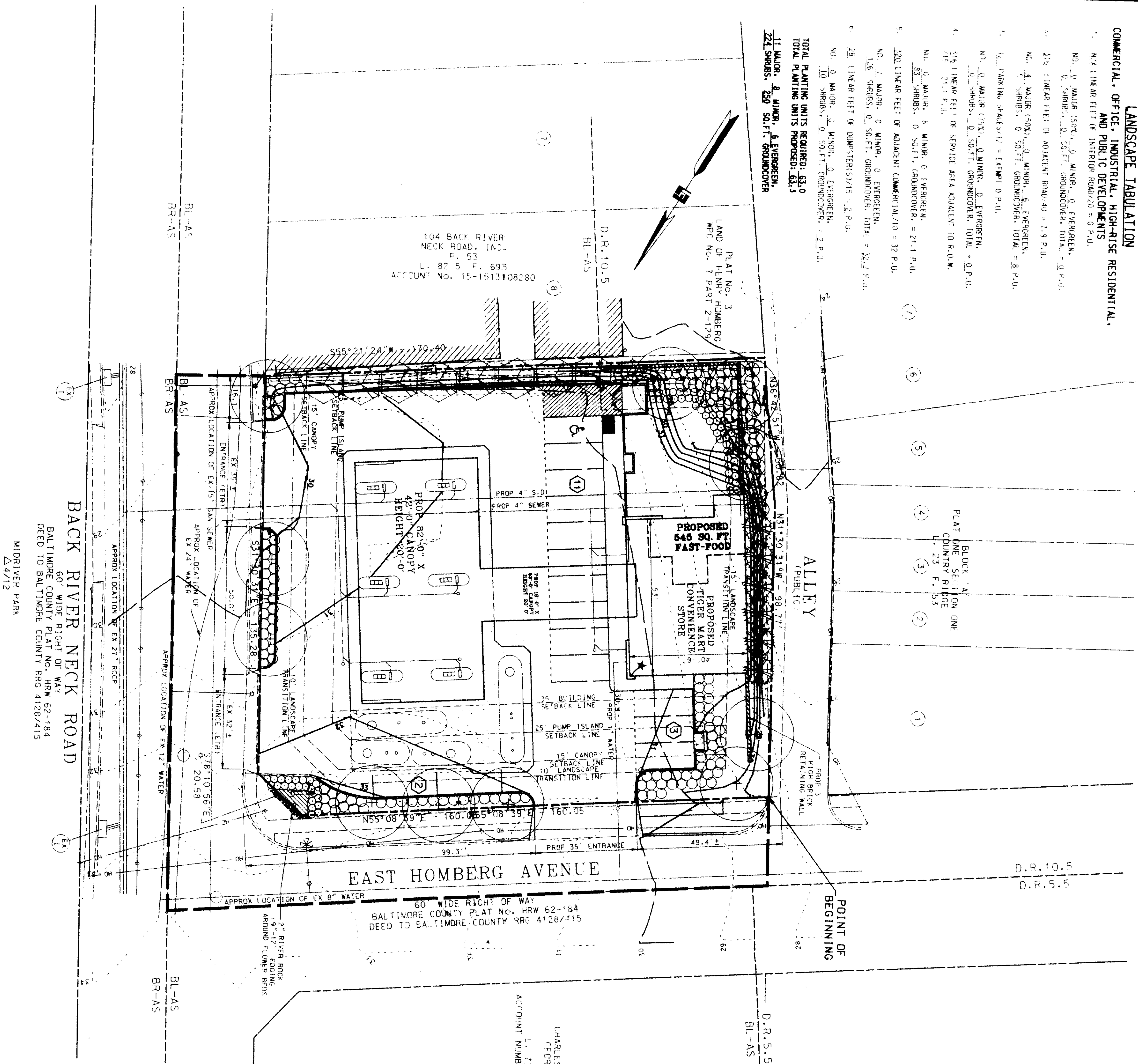
PROPOSED SIDE:
TWO (2) "EXXON" CANOPY FASCIA SIGNS

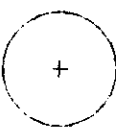







PLAN TO ACCOMPANY SPECIAL EXCEPTION,
SPECIAL HEARING AND VARIANCE PETITION

OWNER/DEVELOPER/APPLICANT		DATE		REVISIONS		BY		CHK.		PROJECT NO.	
EXCON COMPANY, U.S.A. 6301 IVY LANE SUITE 700 GREENBELT, MARYLAND 20770 PHONE: 1.301.513-7511 ATTN: MR. MIKE SPECHT		FREDERICK WARD ASSOCIATES INC. ARCHITECTS • SURVEYORS BEL. MR. MARYLAND 5 SOUTH MAIN STREET (410) 838-7900 (410) 879-2090								A DIVISION OF EXCON CORPORATION Real Estate & Engineering 94223.00	
										DTSC. NO. EXCON.DGN RAS. NO. 23148 DWG. NO. 03 OF 04	
										EXCON COMPANY, U.S.A. Marketing Department DATE: 10/9/95 BUILDING AND SIGNAGE PLAN DRAIN B7: CP CHK. B7: TP 100 BACK RIVER NECK ROAD ESSEX, MARYLAND 21221 FIFTEENTH ELECTION DISTRICT SCALE: NTS	

**COMMERCIAL, OFFICE, INDUSTRIAL, HIGH-RISE RESIDENTIAL,
AND PUBLIC DEVELOPMENTS**

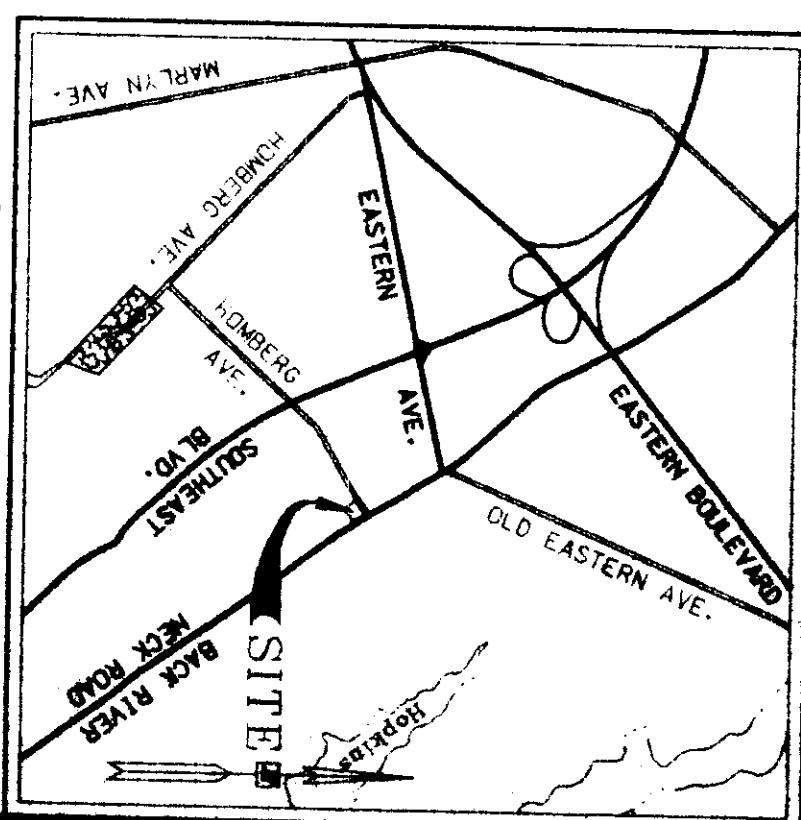
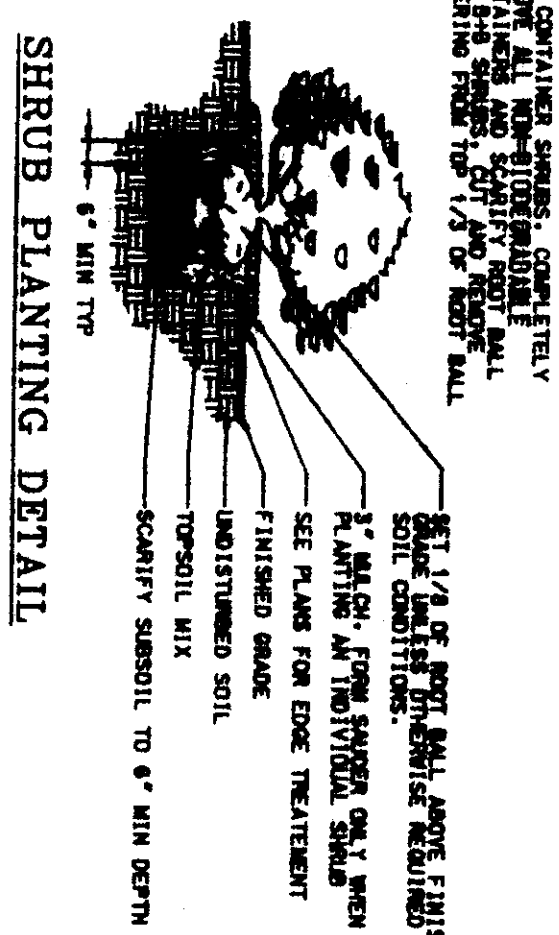
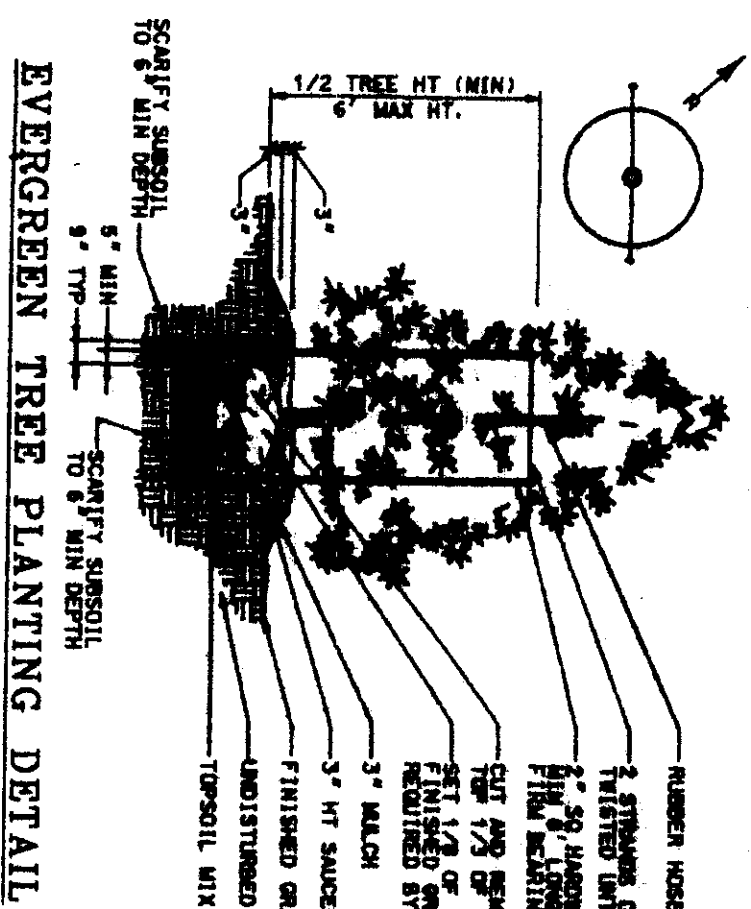
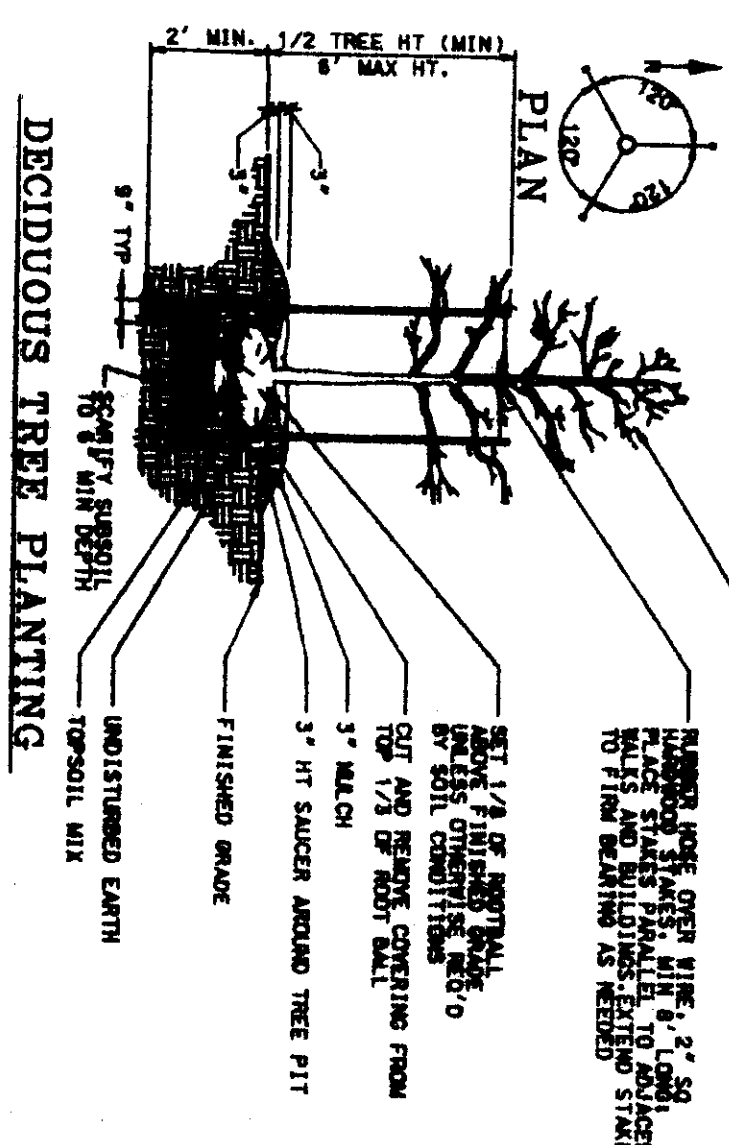
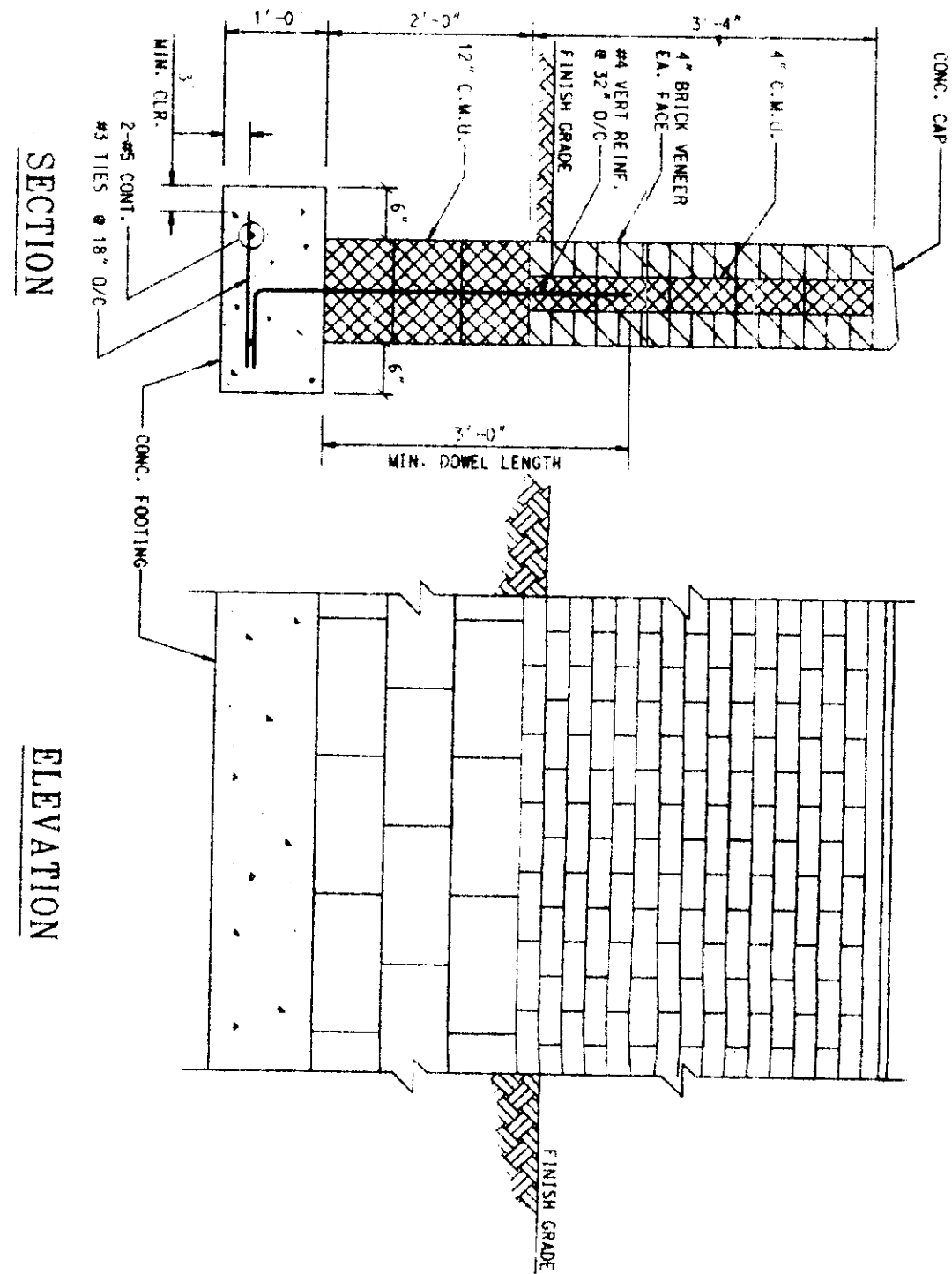
1. N/A. LINEAR FEET OF INTERIOR BOARDING = 0 P.U.
- N/A. MAJOR (50 FT.) Q. MINOR, Q. EVERGREEN,
10 SHEDS, Q. 50 FT., GRANDCOVER, TOTAL = 0 P.U.
- 3 1/2. 1 MAJOR FEET OF ADJACENT BOARDING = 1.5 P.U.
- N/A. MAJOR (50 FT.) Q. MINOR, Q. EVERGREEN,
10 SHEDS, Q. 50 FT., GRANDCOVER, TOTAL = 8 P.U.
5. 1 MAJOR (50 FT.) Q. MINOR, Q. EVERGREEN,
10 SHEDS, Q. 50 FT., GRANDCOVER, TOTAL = 8 P.U.
6. 1 MAJOR (50 FT.) Q. MINOR, Q. EVERGREEN,
10 SHEDS, Q. 50 FT., GRANDCOVER, TOTAL = 8 P.U.
7. 1 MAJOR (50 FT.) Q. MINOR, Q. EVERGREEN,
10 SHEDS, Q. 50 FT., GRANDCOVER, TOTAL = 8 P.U.
8. 1 MAJOR (50 FT.) Q. MINOR, Q. EVERGREEN,
10 SHEDS, Q. 50 FT., GRANDCOVER, TOTAL = 8 P.U.
9. 1 MAJOR (50 FT.) Q. MINOR, Q. EVERGREEN,
10 SHEDS, Q. 50 FT., GRANDCOVER, TOTAL = 8 P.U.
10. 1 MAJOR (50 FT.) Q. MINOR, Q. EVERGREEN,
10 SHEDS, Q. 50 FT., GRANDCOVER, TOTAL = 8 P.U.
11. 1 MAJOR, 8 MINOR, 8 EVERGREEN,
22 SHEDS, 20 50 FT. GRANDCOVER
12. 1 MAJOR, 8 MINOR, 8 EVERGREEN,
22 SHEDS, 20 50 FT. GRANDCOVER



LANDSCAPE PLANTINGS				
SYMBOL	QUANTITY	BOTANICAL/COMMON NAME	SIZE	REMARKS
	11	ACER RUBRUM "RED SUNSET" RED SUNSET MAPLE	14"-18" HT. 3'-3 1/2' CAL.	R & B FULL 29' D.C.
	6	ILAE. GRAM. NARAYAN POLY TALL FEMALE (EXCEPT ONE MALE)	8'-10' HT. 2'-2 1/2' DIA.	R & B FULL 10' D.C.
	8	CHIDANATHUS VIRGINICUS WHITE FRINGEE TREE	5'-6' HT.	R & B HEAVY 13' D.C.
	37	MAKIA LATIFOLIA MOUNTAIN LABEL	3'-4' HT. 3'-4' SPD.	B & B FULL 5' D.C.
	99	CLETHRA ALNIFOLIA SUMMERSHET CLETHRA	2 1/2'-3 1/2' HT. 3-4' CANES	CON. FULL 5' D.C.
	81	FOETIDICILLIA CAROLINII DWARF FOETIDICILLIA	18"-24" HT. 18"-24' SPD.	CON. FULL 2 1/2' D.C.
	50	ANTIRRHINUM MAJUS "ROCKET" SERIES TALL SNAPDRAGON (MIXED COLORS)	4' POT	CON. 6" D.C.
	50	DIANTHUS CHINENSIS SNOW PINK DIANTHUS	4" POT	

CHARLES BRUNDRETT &
GEORGE GERICK
P. 51
L. 7350 F. 709
ACCOUNT NUMBER'S 15-150800
15-150800

- 1.) ALL NURSERY STOCK SHALL CONFORM TO AMERICAN ASSOCIATION OF NURSERMEN, INC. STANDARDS AS DESCRIBED IN "AMERICAN STANDARDS FOR NURSERY STOCK" LATEST EDITION.
- 2.) ALL PLANTING PROCEDURES AND SPECIFICATIONS SHALL CONFORM TO "LANDSCAPE SPECIFICATION GUIDELINES FOR THE BALTIMORE-WASHINGTON METROPOLITAN AREA" LATEST EDITION.



PLAN TO ACCOMPANY SPECIAL EXCEPTION,
SPECIAL HEARING AND VARIANCE PETITION

OWNER/DEVELOPER/APPLICANT

EXXON COMPANY, U.S.A.

6301 IVY LANE
SUITE 700
GREENBELT, MARYLAND 20770
PHONE: (1301)513-7511
ATTN: MR. MIKE SPECHT

FREDERICK WARD ASSOCIATES INC.
ENGINEERS • ARCHITECTS • SURVEYORS

5 SOUTH MAIN STREET
(410) 838-7900

REL. MR. MARTLAND
(410) 879-2090

WARD ASSOCIATES INC.
ARCHITECTS • SURVEYORS

BEL AIR, MARYLAND
(410) 879-2090

DATE		BY		CHK.		PROJECT NO.	
						94223.00	
						DISC. NO.	
						SYN. AND CON. DON	
						PMS. NO.	
						2-5748	

SXLAND. DGN. DGN
FRAS. NO.
2-5748

SXLAND. DGN. DGN
FRAS. NO.
2-5748

IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
N/S Windsor Mill Road 134 ft. W
OF c/l Pine Avenue
7404-06 Windsor Mill Road
2nd Election District
2nd Councilmanic District
S & W Associates
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 97-168-SPHX

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Special Exception for the property located at 7404-7406 Windsor Mill Road in northwestern Baltimore County. The Petitions are filed by Charles Strumsky, Partner of S & W Associates, property owner. Special Exception relief is requested for approval of the construction of an automobile service garage in a B.L. zone. Within the Petition for Special Hearing, the Petitioner seeks affirmation that the entire property was rezoned to B.M. in accordance with the reclassification Petition in case No. 4606-RX and the resultant zoning Orders; and that the B.M. zoning is in fact for the entire property. The subject property, existing zone lines, and the existing and proposed improvements are all more particularly shown on the plan to accompany the Petition for Special Hearing and Petition for Special Exception received as Petitioner's Exhibit No. 1.

Testimony and evidence presented at the public hearing held for this case was that the subject property is approximately .5 acres in area, split zoned B.L. and B.M. The property is roughly rectangular in shape, with frontage on Windsor Mill Road. The property is presently improved with a one story steel building used as a service garage. That building contains four service bays. The Petitioner proposes constructing a two story office building which will be attached to the existing garage and face Windsor Mill Road. The proposed two story office building will replace a smaller existing two story building which will be razed. Additionally, towards the

rear and side of the property, a proposed one story garage building containing five service bays will be added. In addition to these existing and proposed improvements the site also features a large asphalt parking area.

The history of this property is significant. On July 16, 1959, in case No. 4606-RX, the County Board of Appeals granted a zoning reclassification for the property from the B.L. to a B.M., with a special exception to allow for the operation of a bus terminal. A supplemental Order was issued by the Board of Appeals on September 4, 1959, adding a condition which required approval of the site plan by the Office of Planning and Zoning. Testimony offered at the hearing was that the site has been used as a service garage in accordance with the Board's Order since 1959.

The relief which is requested in the instant case is sought alternatively. Specifically, by way of the Petition for Special Hearing, the property owner seeks an Order affirming that the entire site is zoned B.M. If that were the case, the service garage use would be permitted by right, pursuant to Section 233.2 of the Baltimore County Zoning Regulations (BCZR). In support of the Petition for Special Hearing, the Petitioner argued that the Board's Order intended for the property to be entirely zoned B.M., however, the zoning maps that were adopted thereto incorrectly replaced the zone line across the interior of the property, as opposed to on the property line. This alleged improper location of the zone line results in a split zoning of the property, with both the B.L. and B.M. zone.

In the alternative, the Petitioner seeks special exception relief for a service garage in the B.L. zone. A service garage is permitted in the B.L. zone only by special exception, pursuant to Section 230.13.

A lengthy Zoning Plans Advisory Committee (ZAC) comment was received from the Office of Planning regarding this case. That comment traced the history of the property and the Board's zoning decision in 1959. The com-

ment also indicates that 7 maps have been adopted by the County Council since the Board's initial decision and all of the maps have consistently located the zone line across the interior of the property and not on the property line. Moreover, the Office of Planning's comment observes that Section 2-356 of the Baltimore County Code permits the Board of Appeals to change the zoning classification in the event of a finding of a mistake/error or change in condition. Moreover the zoning map correction process (see Section 26-134 of the Baltimore County Code) does not permit the "correction" of the placement of a zone line in this case. For all of these reasons, the Office of Planning states that the Petition must be denied.

I concur with the comments offered by the Office of Planning. In my judgment, the relocation of the zone line to place same along the property line can only be done by the Board of Appeals or by the County Council. The Zoning Commissioner lacks the authority to grant the relief requested in the Petition for Special Hearing in this case. Thus, the Petition for Special Hearing should and must be denied.

Notwithstanding the denial of the Petition for Special Hearing, a service garage should be permitted to operate on this property. The proposed expansion is appropriate and the historic use of the property supports the Petitioner's plan. In my judgment, the Petition for Special Exception should, therefore, be granted, permitting the Petitioner's proposed expansion onto that part of the site zoned B.L. I find that the Petitioner has satisfied the requirements of Section 502.1 of the BCZR and that there will be no detrimental impact associated with a service garage use on that site of the parcel zoned B.L. Thus, the Petition for Special Exception shall be granted, subject to the ZAC comment offered by the Development Plans Review Division.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted in part and denied in part.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 21st day of August 1997 that, pursuant to the Petition for Special Hearing, affirmation that the entire property was rezoned to B.M., in accordance with the reclassification Petition No. 4606-RX and the resultant zoning Orders, and that the zoning is in fact for the entire property, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval to allow the construction of an automobile service garage in a B.L. zone, be and is hereby GRANTED, subject, however to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Development Plans Review Division, dated March 31, 1997, are adopted in their entirety and made a part of this Order.

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

LES:mmm

-4-



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 20, 1997

Mr. Charles Strumsky
Partner, S & W Associates
7404-06 Windsor Mill Road
Baltimore, Maryland 21207

RE: Case No. 97-394-SPHX
Property: 7404-06 Windsor Mill Road

Dear Mr. Strumsky:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception and the Petition for Special Hearing have been granted in part and denied in part.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

encl.
c: Robert S. Rosenfelt, P.E., Colbert, Matz & Rosenfelt, Inc.
3723 Old Court Road, Room 206, Baltimore, Md. 21208

RE: PETITION FOR SPECIAL HEARING & PETITION FOR SPECIAL EXCEPTION
7404-06 Windsor Mill Road (D & S Body & Fender), N/S Windsor Mill Road,
134' W of c/l Pine Avenue
2nd Election District, 2nd Councilmanic
S & W Associates
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-394-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

H.R.G. DATE
M.T.W. 4/21
H.M. 2-1

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
CAROLE S. DENTILLO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert S. Rosenfelt, P.E., Colbert, Matz, Rosenfelt, Inc., 3723 Old Court Road, #206, Baltimore, MD 21208, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 7404-06 Windsor Mill Road
which is presently zoned BL & BM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under the Zoning Regulations of Baltimore County, to use the herein described property for

Construction of an auto service garage in a BL zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)
Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Charles Strumsky, Partner
S & W Associates
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: _____ Next Two Months

ALL OTHER DATE 3/14/97

REVIEWED BY: JRF DATE 3/14/97



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 7404-06 Windsor Mill Road
which is presently zoned BL & BM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Affirmation that the entire property was rezoned to BM in accordance with Reclassification Petition 4606-RX and the resultant zoning orders and that the zoning is intact for the entire property.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)
Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: _____ Next Two Months

ALL OTHER DATE 3/14/97

REVIEWED BY: JRF DATE 3/14/97

394

97-394
4/21

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and Development Management DATE: March 25, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 7404-06 Windsor Mill Road

INFORMATION:

Item Number: 394

Petitioner: Charles Strumsky, Partner S & W Associates

Property Size:

Zoning: BL & BN

Requested Action: Special Exception & Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing to affirm that the entire property was rezoned to BN in accordance with the Reclassification Petition in Case No. 4606-RX, and that the zoning is intact for the entire property pursuant to the Board of Appeals Order.

Case No. 4606-RX dates back to 1959. Since that time, seven Comprehensive Zoning Maps have been adopted by the Baltimore County Council, and each map shows the line in question to be located precisely in the same location. Any action taken prior to the adoption of the first Comprehensive Zoning Map Process (1971), should have no impact on the County Council's authority to impose a particular zone on a particular property. Changing the zoning of a parcel of land pursuant to a Board of Appeals action predicated on a particular Comprehensive Zoning Map Process would usurp the authority of the County Council.

Section 2-356 of the Baltimore County Code (see attached) gives the Board of Appeals the authority to change the zoning classification of a property after the Board has found that either a substantial change in the character of the neighborhood has taken place or that the County Council made an error when the property was last reclassified. If the applicant believes that the County Council made an error as part of the 1971 CZMP and that error was perpetuated on every subsequent map, then the applicant should file a Cycle Zoning Petition in an effort to correct the zoning on the property.

ITEM394/PZONE/ZAC1

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, PO

Office of Planning staff have met with the applicant's representative in an effort to explain why the zoning of the property cannot be corrected through the Zoning Map Correction Process (see Section 26-134 of the Baltimore County Code attached). The Zoning Map Correction process permits corrections in situations where the map last enacted by the County Council does not accurately reflect the final zoning classification imposed by the council on a property during the last or prior comprehensive zoning map process. A review of the maps maintained in the zoning office reveals that a drafting error did occur sometime after the Board's 1959 decision; however, since this error predated the Council's involvement in the adoption of the zoning maps, the Zoning Map Correction Process cannot be utilized to correct the error.

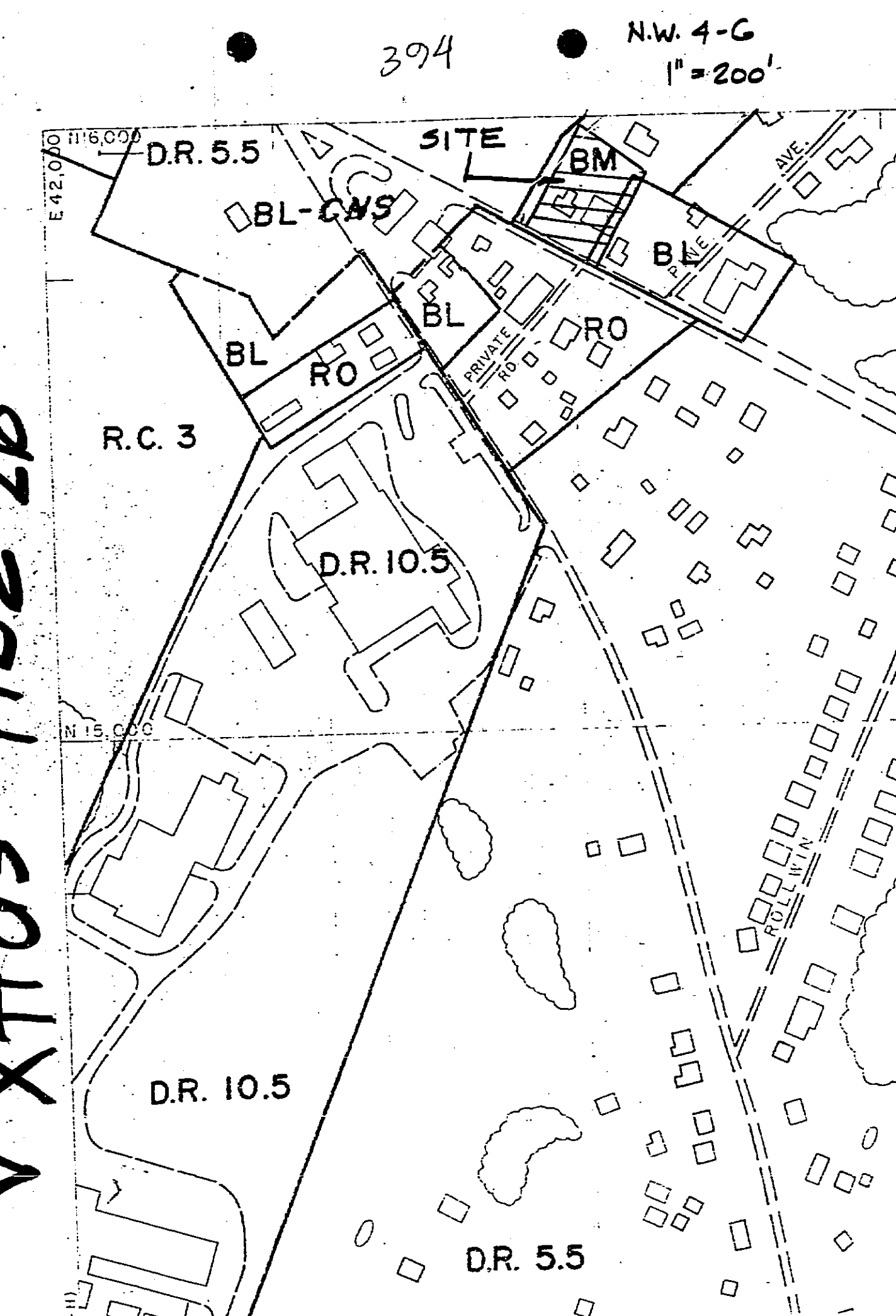
Based upon a review of the County Code, it appears to this office that it would be inappropriate to conclude by way of a special hearing that the zoning of the property should be determined based upon the Order in Case No. 4606 RX. Clearly, the 1996 Comprehensive Zoning Map is the only document that can be used to determine the zoning of the subject property.

Staff does not oppose the requested special exception.

Prepared by: *Jeffrey M. Lenz*
Division Chief: *David Kerns*

APK/JL:lsn

ITEM394/PZONE/ZAC1





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 18, 1997

Mr. Charles Strumsky
S & W Associates
7404-06 Windsor Mill Road
Baltimore, MD 21207

RE: Item No.: 394
Case No.: 97-394-SPHX
Petitioner: Charles Strumsky

Dear Mr. Strumsky:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 14, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 3-21-97
Item No. 394 JRL

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

R. J. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and Development Management
DATE: March 25, 1997
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning
SUBJECT: 7404-06 Windsor Mill Road

INFORMATION:
Item Number: 394
Petitioner: Charles Strumsky, Partner S & W Associates

Property Size:
Zoning: BL & BM
Requested Action: Special Exception & Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing to affirm that the entire property was rezoned to BM in accordance with the Reclassification Petition in Case No. 4606-RX, and that the zoning is intact for the entire property pursuant to the Board of Appeals Order.

Case No. 4606-RX dates back to 1959. Since that time, seven Comprehensive Zoning Maps have been adopted by the Baltimore County Council, and each map shows the line in question to be located precisely in the same location. Any action taken prior to the adoption of the first Comprehensive Zoning Map Process (1971), should have no impact on the County Council's authority to impose a particular zone on a particular property. Changing the zoning of a parcel of land pursuant to a Board of Appeals action predates a particular Comprehensive Zoning Map Process would usurp the authority of the County Council.

Section 2-356 of the Baltimore County Code (see attached) gives the Board of Appeals the authority to change the zoning classification of a property after the Board has found that either a substantial change in the character of the neighborhood has taken place or that the County Council made an error when the property was last reclassified. If the applicant believes that the County Council made an error as part of the 1971 CZMP and that error was perpetuated on every subsequent map, then the applicant should file a Cycle Zoning Petition in an effort to correct the zoning on the property.

ITEM394/PZONE/ZAC1

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. 'Pat' Keller, III, Director, PO

Office of Planning staff have met with the applicant's representative in an effort to explain why the zoning of the property cannot be corrected through the Zoning Map Correction Process (see Section 26-134 of the Baltimore County Code attached). The Zoning Map Correction process permits corrections in situations where the map last enacted by the County Council does not accurately reflect the final zoning classification imposed by the council on a property during the last or prior comprehensive zoning map process. A review of the maps maintained in the zoning office reveals that a drafting error did occur sometime after the Board's 1959 decision; however, since this error predated the Council's involvement in the adoption of the zoning maps, the Zoning Map Correction Process cannot be utilized to correct the error.

Based upon a review of the County Code, it appears to this office that it would be inappropriate to conclude by way of a special hearing that the zoning of the property should be determined based upon the Order in Case No. 4606 RX. Clearly, the 1996 Comprehensive Zoning Map is the only document that can be used to determine the zoning of the subject property.

Staff does not oppose the requested special exception.

Prepared by: *Jeffrey M. Lay*

Division Chief: *Carol Kenna*

AFK/JL: 1en

ITEM394/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: March 31, 1997
FROM: Robert W. Bowling, Chief
Development Plans Review Division
SUBJECT: Zoning Advisory Committee Meeting
for March 31, 1997
Item No. 394

The Development Plans Review Division has reviewed the subject zoning item.

Site subject to the Department of Public Works' (DPW) Standard Plate R-32 - Commercial Entrance.

A modification to Section IX.C.2.b. of the Landscape Manual 74 landscape area within the interior of the parking lot is necessary. A final landscape plan must be approved prior to release of permits.

RWB:HJO:cab

cc: File

ZONE331.394

PETITION PROBLEMS

97-394-SPHX A

#388 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.
3. No description on folder.
4. No zoning on folder.
5. No acreage on folder.
6. No election district on folder.
7. No councilmanic district on folder.

#389 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.

#390 --- MJK

1. Sign form is incomplete/incorrect.
2. No telephone number for legal owner.

#391 --- CAM

1. No review information on bottom of petition form.
2. Area listed on folder - acres, square feet, what?

#392 --- CAM

1. No review information on bottom of petition form.

#394 --- JLL

1. Sign form is incomplete/incorrect.

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5300

(410) 887-4500

April 1, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: S & W Associates

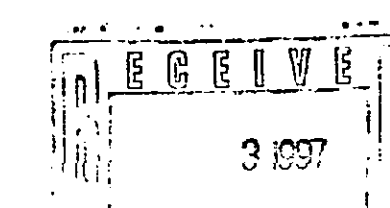
Location: DISTRIBUTION MEETING OF March 24, 1997

Item No.: 394 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File



Printed on Recycled Paper

3/19/97

97-394
4/21

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and Development Management DATE: March 25, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 7404-06 Windsor Mill Road

INFORMATION:

Item Number: 394

Petitioner: Charles Strumsky, Partner S & W Associates

Property Size:

Zoning: BL & BN

Requested Action: Special Exception & Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing to affirm that the entire property was rezoned to BN in accordance with the Reclassification Petition in Case No. 4606-RX, and that the zoning is intact for the entire property pursuant to the Board of Appeals Order.

Case No. 4606-RX dates back to 1959. Since that time, seven Comprehensive Zoning Maps have been adopted by the Baltimore County Council, and each map shows the line in question to be located precisely in the same location. Any action taken prior to the adoption of the first Comprehensive Zoning Map Process (1971), should have no impact on the County Council's authority to impose a particular zone on a particular property. Changing the zoning of a parcel of land pursuant to a Board of Appeals action predating a particular Comprehensive Zoning Map Process would usurp the authority of the County Council.

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ITEM394/PZONE/ZAC1

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. 'Pat' Keller, III, Director, PO

Office of Planning staff have met with the applicant's representative in an effort to explain why the zoning of the property cannot be corrected through the Zoning Map Correction Process (see Section 26-134 of the Baltimore County Code attached). The Zoning Map Correction process permits corrections in situations where the map last enacted by the County Council does not accurately reflect the final zoning classification imposed by the council on a property during the last or prior comprehensive zoning map process. A review of the maps maintained in the zoning office reveals that a drafting error did occur sometime after the Board's 1959 decision; however, since this error predated the Council's involvement in the adoption of the zoning maps, the Zoning Map Correction Process cannot be utilized to correct the error.

Based upon a review of the County Code, it appears to this office that it would be inappropriate to conclude by way of a special hearing that the zoning of the property should be determined based upon the Order in Case No. 4606 RX. Clearly, the 1996 Comprehensive Zoning Map is the only document that can be used to determine the zoning of the subject property.

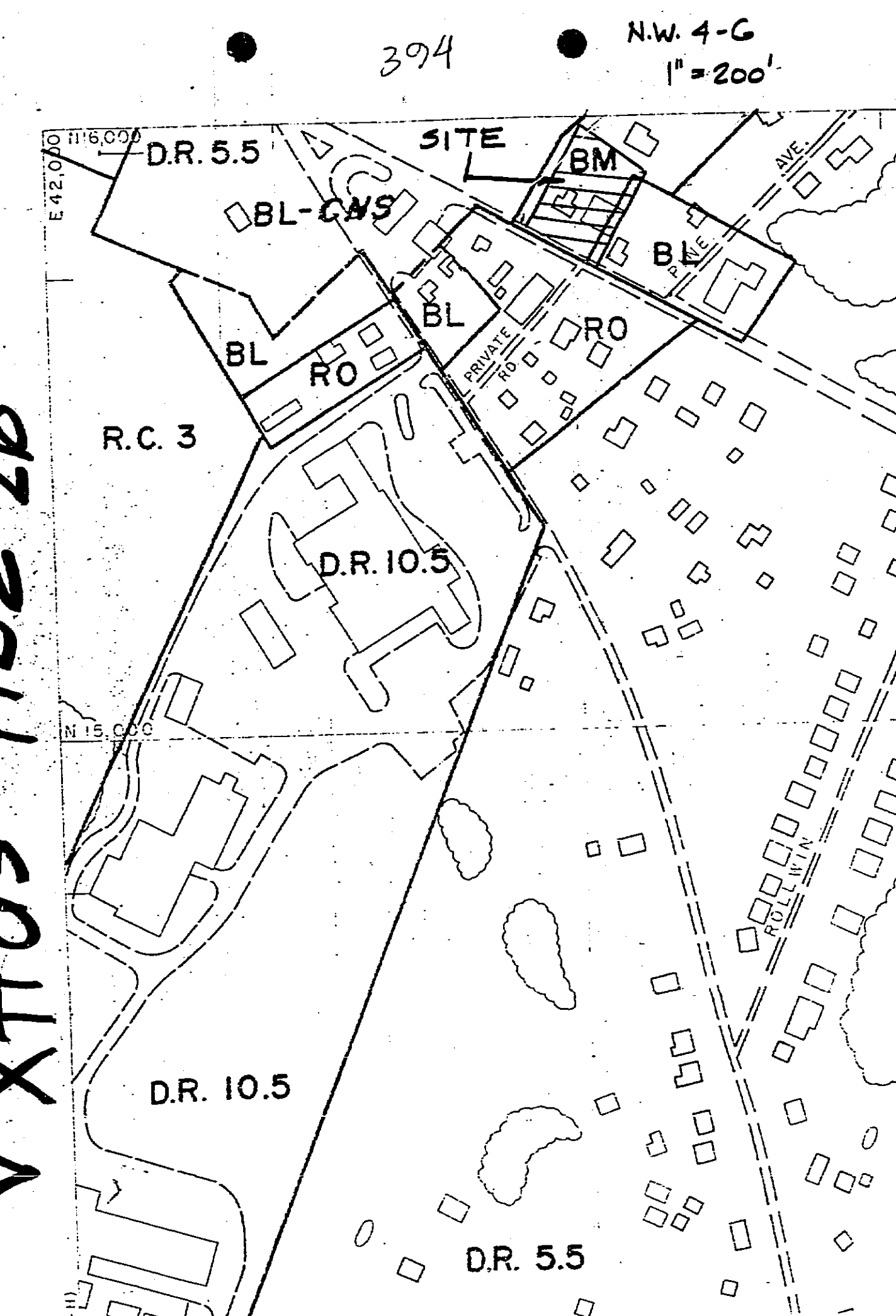
Staff does not oppose the requested special exception.

Prepared by: *Jeffrey M. Lenz*

Division Chief: *David Verno*

APK/JL:lsn

ITEM394/PZONE/ZAC1



IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
N/S Windsor Mill Road 134 ft. W
OF c/l Pine Avenue
7404-06 Windsor Mill Road
2nd Election District
2nd Councilmanic District
S & W Associates
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 97-168-SPHX

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Special Exception for the property located at 7404-7406 Windsor Mill Road in northwestern Baltimore County. The Petitions are filed by Charles Strumsky, Partner of S & W Associates, property owner. Special Exception relief is requested for approval of the construction of an automobile service garage in a B.L. zone. Within the Petition for Special Hearing, the Petitioner seeks affirmation that the entire property was rezoned to B.M. in accordance with the reclassification Petition in case No. 4606-RX and the resultant zoning Orders; and that the B.M. zoning is in fact for the entire property. The subject property, existing zone lines, and the existing and proposed improvements are all more particularly shown on the plan to accompany the Petition for Special Hearing and Petition for Special Exception received as Petitioner's Exhibit No. 1.

Testimony and evidence presented at the public hearing held for this case was that the subject property is approximately .5 acres in area, split zoned B.L. and B.M. The property is roughly rectangular in shape, with frontage on Windsor Mill Road. The property is presently improved with a one story steel building used as a service garage. That building contains four service bays. The Petitioner proposes constructing a two story office building which will be attached to the existing garage and face Windsor Mill Road. The proposed two story office building will replace a smaller existing two story building which will be razed. Additionally, towards the

rear and side of the property, a proposed one story garage building containing five service bays will be added. In addition to these existing and proposed improvements the site also features a large asphalt parking area.

The history of this property is significant. On July 16, 1959, in case No. 4606-RX, the County Board of Appeals granted a zoning reclassification for the property from the B.L. to a B.M., with a special exception to allow for the operation of a bus terminal. A supplemental Order was issued by the Board of Appeals on September 4, 1959, adding a condition which required approval of the site plan by the Office of Planning and Zoning. Testimony offered at the hearing was that the site has been used as a service garage in accordance with the Board's Order since 1959.

The relief which is requested in the instant case is sought alternatively. Specifically, by way of the Petition for Special Hearing, the property owner seeks an Order affirming that the entire site is zoned B.M. If that were the case, the service garage use would be permitted by right, pursuant to Section 233.2 of the Baltimore County Zoning Regulations (BCZR). In support of the Petition for Special Hearing, the Petitioner argued that the Board's Order intended for the property to be entirely zoned B.M., however, the zoning maps that were adopted thereto incorrectly replaced the zone line across the interior of the property, as opposed to on the property line. This alleged improper location of the zone line results in a split zoning of the property, with both the B.L. and B.M. zone.

In the alternative, the Petitioner seeks special exception relief for a service garage in the B.L. zone. A service garage is permitted in the B.L. zone only by special exception, pursuant to Section 230.13.

A lengthy Zoning Plans Advisory Committee (ZAC) comment was received from the Office of Planning regarding this case. That comment traced the history of the property and the Board's zoning decision in 1959. The com-

ment also indicates that 7 maps have been adopted by the County Council since the Board's initial decision and all of the maps have consistently located the zone line across the interior of the property and not on the property line. Moreover, the Office of Planning's comment observes that Section 2-356 of the Baltimore County Code permits the Board of Appeals to change the zoning classification in the event of a finding of a mistake/error or change in condition. Moreover the zoning map correction process (see Section 26-134 of the Baltimore County Code) does not permit the "correction" of the placement of a zone line in this case. For all of these reasons, the Office of Planning states that the Petition must be denied.

I concur with the comments offered by the Office of Planning. In my judgment, the relocation of the zone line to place same along the property line can only be done by the Board of Appeals or by the County Council. The Zoning Commissioner lacks the authority to grant the relief requested in the Petition for Special Hearing in this case. Thus, the Petition for Special Hearing should and must be denied.

Notwithstanding the denial of the Petition for Special Hearing, a service garage should be permitted to operate on this property. The proposed expansion is appropriate and the historic use of the property supports the Petitioner's plan. In my judgment, the Petition for Special Exception should, therefore, be granted, permitting the Petitioner's proposed expansion onto that part of the site zoned B.L. I find that the Petitioner has satisfied the requirements of Section 502.1 of the BCZR and that there will be no detrimental impact associated with a service garage use on that site of the parcel zoned B.L. Thus, the Petition for Special Exception shall be granted, subject to the ZAC comment offered by the Development Plans Review Division.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted in part and denied in part.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 21st day of August 1997 that, pursuant to the Petition for Special Hearing, affirmation that the entire property was rezoned to B.M., in accordance with the reclassification Petition No. 4606-RX and the resultant zoning Orders, and that the zoning is in fact for the entire property, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval to allow the construction of an automobile service garage in a B.L. zone, be and is hereby GRANTED, subject, however to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Development Plans Review Division, dated March 31, 1997, are adopted in their entirety and made a part of this Order.

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

LES:mmm

-4-



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 20, 1997

Mr. Charles Strumsky
Partner, S & W Associates
7404-06 Windsor Mill Road
Baltimore, Maryland 21207

RE: Case No. 97-394-SPHX
Property: 7404-06 Windsor Mill Road

Dear Mr. Strumsky:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception and the Petition for Special Hearing have been granted in part and denied in part.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

encl.
c: Robert S. Rosenfelt, P.E., Colbert, Matz & Rosenfelt, Inc.
3723 Old Court Road, Room 206, Baltimore, Md. 21208

RE: PETITION FOR SPECIAL HEARING & SPECIAL EXCEPTION
7404-06 Windsor Mill Road (D & S Body & Fender), N/S Windsor Mill Road,
134' W of c/l Pine Avenue
2nd Election District, 2nd Councilmanic
S & W Associates
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-394-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

H.R.G. DATE
M.T.W. 4/21
H.M. 2-1

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
CAROLE S. DENTILLO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert S. Rosenfelt, P.E., Colbert, Matz, Rosenfelt, Inc., 3723 Old Court Road, #206, Baltimore, MD 21208, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 7404-06 Windsor Mill Road
which is presently zoned BL & BM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under the Zoning Regulations of Baltimore County, to use the herein described property for

Construction of an auto service garage in a BL zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)
Signature

Address
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)
Signature

Address
City State Zipcode

Legal Owner(s):

Charles Strumsky, Partner
S & W Associates
(Type or Print Name)
Signature

Address
City State Zipcode

7404-06 Windsor Mill Road (410) 645-4118

Baltimore, MD 21207

City State Zipcode

Name, Address and phone number of legal owner/contract purchaser of the property to be contacted:

Robert S. Rosenfelt, P.E.
Colbert Matz Rosenfelt, Inc.

3723 Old Court Rd #206

Baltimore, MD 21208 410-887-3838

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: _____ Next Two Months

ALL OTHER DATE 3/14/97

REVIEWED BY: JRF DATE 3/14/97



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 7404-06 Windsor Mill Road
which is presently zoned BL & BM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Affirmation that the entire property was rezoned to BM in accordance with Reclassification Petition 4606-RX and the resultant zoning orders and that the zoning is intact for the entire property.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)
Signature

Address
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)
Signature

Address
City State Zipcode

Legal Owner(s):

Charles Strumsky, Partner
S & W Associates
(Type or Print Name)
Signature

Address
City State Zipcode

7404-06 Windsor Mill Road (410) 645-4118

Baltimore, MD 21207

City State Zipcode

Name, Address and phone number of representative to be contacted:

Robert S. Rosenfelt, P.E.
Colbert Matz Rosenfelt, Inc.

3723 Old Court Rd #206

Baltimore, MD 21208 410-887-3838

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: _____ Next Two Months

ALL OTHER DATE 3/14/97

REVIEWED BY: JRF DATE 3/14/97

394

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

97-394-SPHXA

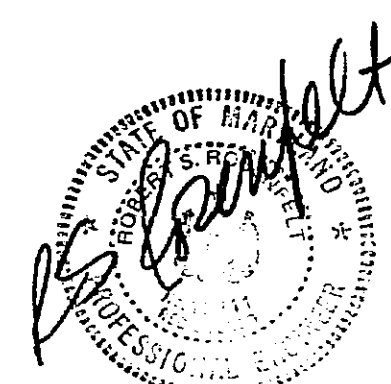


ZONING DESCRIPTION

Beginning at a point on the north side of Windsor Mill Road, which is 60 feet wide, at the distance of 134 feet, more or less, west of the centerline of Pine Avenue, which varies in width. Thence the following courses and distances:

North 60°12'27"West, 130.03 feet;
North 32°36'30"East, 161.68 feet;
South 55°21'00"East, 129.91 feet; and
South 32°35'26"West, 150.67 feet to the place of beginning.

As recorded in Deed Liber 8591, Folio 238. Containing 0.47 acres, more or less. Also known as 7404-06 Windsor Mill Road and located in the 2nd Election District.



394

3723 Old Court Road, Suite 206 Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7553

CERTIFICATE OF PUBLICATION

97-394-SPHXA

TOWSON, MD. March 27, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of L successive weeks, the first publication appearing on March 27, 1997.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, Maryland, will hold a public hearing on the application for a Special Exception to the Zoning Ordinance for the construction of an auto service garage, located at 7404-06 Windsor Mill Road, 2nd Election District, 2nd Councilmanic District, Baltimore County, Maryland. The hearing will be held on Monday, April 21, 1997 at 9:00 a.m., in the 4th floor hearing room, County Courts Bldg., 401 Bayley Avenue. The hearing is open to the public. For information concerning the filing and/or hearing, please call 887-3391.

BAITIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 028730
97-394-SPHXA
DATE 3-14-97 ACCOUNT B-001-615-000
AMOUNT \$ 550.00
RECEIVED Colbert, Matz, Rosenfelt, Inc.
FROM: 040 SPH --- 250 - ITEM# 394
FOR: 050 X --- 300 - Taken by JEF
7404-06 03A91N0230W1CHRC \$550.00
BA-6008-27700411197-01
VALIDATION OR SIGNATURE OF CASHIER
LAWRENCE E. SCHMIDT
3/20/97

CERTIFICATE OF POSTING

RE: Case No. 97-394-SPHXA

Petitioner/Developer: S.W. ASSO. C.

% RICHARD MATZ

Date of Hearing/Closing: 4/21/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7404-06 WINDSOR MILL RD.

The sign(s) were posted on 4/14/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 4/5/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

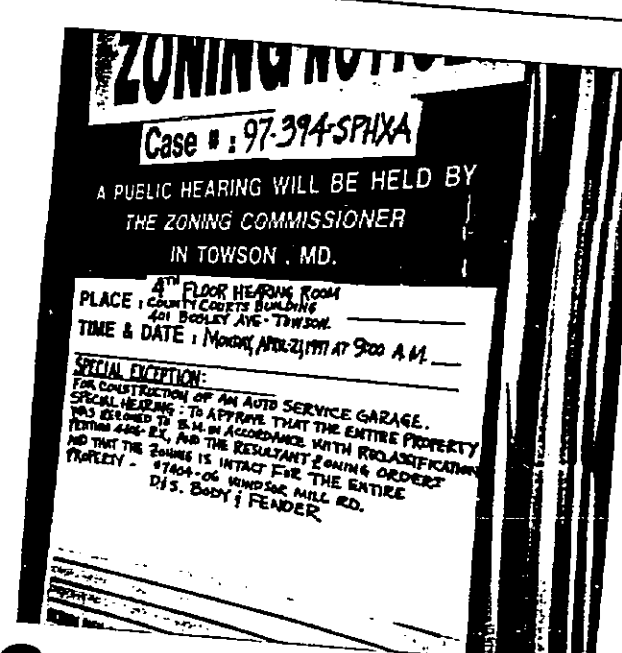
523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 644-5346 Pager: (410) 644-6354
(Telephone Number)



97-394-SPHXA
7404-06 WINDSOR MILL RD.
Htg. 4/14/97 @ 9:00 AM

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than

Format for Sign Printing: Black Letters on White Background:

ZONING NOTICE

Case No. 97-394-SPHXA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE:

DATE AND TIME:

REQUEST: CONSTRUCTION OF AN AUTO SERVICE

GARAGE IN A B.L. ZONE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

996
pm4.doc

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than

Format for Sign Printing: Black Letters on White Background:

ZONING NOTICE

Case No. 97-394-SPHXA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE:

DATE AND TIME:

REQUEST: Affirmation that the entire property was rezoned to B.M. in accordance with Reclassification petition 4606-EX & the resultant zoning orders and that the zoning is intact for the entire property.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

996
pm4.doc

TO: PUTNEY PUBLISHING COMPANY
March 27, 1997 Issue - Jeffersonian

Please forward billing to:

Robert S. Rosenfelt, P.E.
Colbert Matz Rosenfelt, Inc.
3723 Old Court Road #206
Baltimore, MD 21208
653-3838

97-394-SPHXA

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-394-SPHXA
7404-06 Windsor Mill Road
D & S Body & Fender
N/S Windsor Mill Road, 134' W of c/l Pine Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): S & W Associates

Special Exception for construction of an auto service garage.
Special Hearing to approve that the entire property was rezoned to B.M. in accordance with reclassification petition 4606-EX and the resultant zoning orders and that the zoning is intact for the entire property.

HEARING: MONDAY, APRIL 21, 1997 at 9:00 a.m., 4th floor hearing room, County Courts Bldg., 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3391.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management
97-394-SPHXA

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 21, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-394-SPHXA
7404-06 Windsor Mill Road
D & S Body & Fender
N/S Windsor Mill Road, 134' W of c/l Pine Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): S & W Associates

Special Exception for construction of an auto service garage.
Special Hearing to approve that the entire property was rezoned to B.M. in accordance with reclassification petition 4606-EX and the resultant zoning orders and that the zoning is intact for the entire property.

HEARING: MONDAY, APRIL 21, 1997 at 9:00 a.m., 4th floor hearing room, County Courts Bldg., 401 Bayley Avenue.

Arnold Jablon

Director

cc: Charles Strumsky/S & W Associates
Robert S. Rosenfelt, P.E.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 5, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3391.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

SETBACKS	REQUIRED	PROVIDED
Front	22.5	39.6 (From Original R/W Line) 20.5 (From Widened R/W Line)
Side	0	0
Rear	0	2

1. Owner/Developer: S & Y Associates
7404-06 Windsor Mill Road.
Baltimore, Md. 21207

2. Site Data: Tax Account No. 020651372
Deed Reference 8591/238.
Site Area: Gross - 21,780 sq. ft. (0.5 Ac.)
Net - 20,280 sq. ft. (0.47 Ac.)

- | | | | |
|----|---------------------------------------|--|---|
| 3. | Previous Commercial Permit: B290434 | | |
| 4. | Zoned BL and BM - Zoning Map N.W. 4-G | | |
| 5. | Proposed Floor Area: | Ex. Garage
Prop. Garage
Prop. Office
<u>Total</u> | 2,381 sq. ft.
2,400 sq. ft.
4,290 sq. ft.
<u>9,071 sq. ft.</u> |

Proposed F.A.R.: 0.45
Required F.A.R.: 3.0 (BL Zone) & 4.0 (BM Zone)

6. Off-Street Parking Calculations:
Total Floor Area - 9,071 sq. ft.
Required Parking - 30 spaces @ 3.3 spaces/1,000 sq.
Proposed Parking - 34 spaces inc. 9 service bays

7. On July 31, 1995, the DRC granted a Limited Exemption for construction of an office building on the site. On February 24, 1997, the DRC approved a Limited Exemption for construction of an office building and a 5-bay garage.
8. On July 16, 1959, in Case No. 4606-RX, the County Board of Appeals granted the reclassification of the property from a B-1 Zone to a B-M Zone with a special exception to allow the operation of a bus terminal. A Supplemental Order on September 4, 1959, added a condition requiring approval of a site plan by the

Office of Planning and Zoning.

For the reasons set forth in the foregoing opinion, it is this 16th day of July, 1959, by the County Board of Appeals ORDERED that the reclassification of the above property is hereby granted from a "B-1" Zone to a "B-M" Zone with a special exception for operation of a Bus Terminal.

Any appeal from this decision must be in accordance with Rule No. 1101 (b) of the Rules of Practice and Procedure of the Court of

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

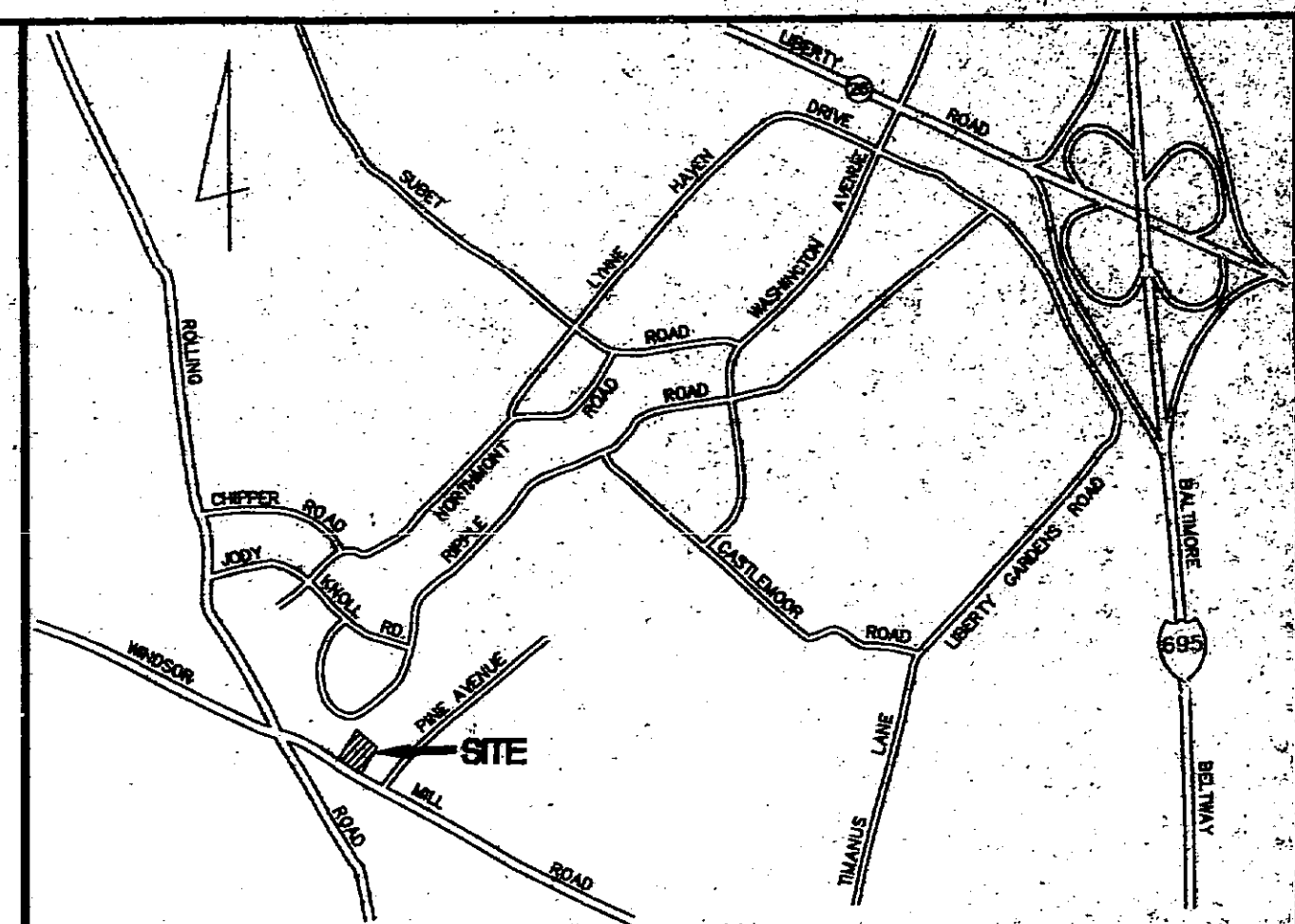
SUPPLEMENTAL ORDER - CASE NO. 4606-R

The previous Order passed by the Board in the above matter, dated July 16, 1959, is amended to read as follows:

"Ordered that the reclassification of the above property is hereby granted from a "B-1" Zone to a "B-2" Zone with a special exception for the operation of a gas terminal, subject, however, to the approval of the site planning by the Baltimore County Office of Planning and Zoning.

This Supplemental Order is to correct an inadvertent omission in the original Order as it was the Board's intention that this restriction be included in the first instance. Council for both

COUNTY BOARD OF APPEALS



VICINITY MAP
SCALE: 1" = 1000'

97-394-
SPHXA

PLAN TO ACCOMPANY SPECIAL HEARING AND
HEARING FOR SPECIAL EXCEPTION

D AND S BODY AND FENDER

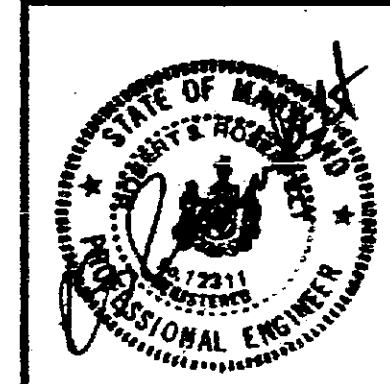
7404-06 WINDSOR MILL ROAD

ELECTION DISTRICT No. 2c2 BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' MARCH 13, 1997

JO # 95080.1

JO # 95080.1

EXISTING SIGN DETAIL
NOT TO SCALE



Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

SCALE: 1" = 30'

DATE: MARCH 13, 1997

DESIGNED: DRH

DRAWN: MEK / DS
CHECKED: JMF /

FILE: 95080SEP.D1
DRAWING

NUMBER:

NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1
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294



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 18, 1997

Mr. Charles Strumsky
S & W Associates
7404-06 Windsor Mill Road
Baltimore, MD 21207

RE: Item No.: 394
Case No.: 97-394-SPHX
Petitioner: Charles Strumsky

Dear Mr. Strumsky:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 14, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 3-21-97
Item No. 394 JRL

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

R. J. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and Development Management
DATE: March 25, 1997
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning
SUBJECT: 7404-06 Windsor Mill Road

INFORMATION:
Item Number: 394
Petitioner: Charles Strumsky, Partner S & W Associates

Property Size:
Zoning: BL & BM
Requested Action: Special Exception & Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing to affirm that the entire property was rezoned to BM in accordance with the Reclassification Petition in Case No. 4606-RX, and that the zoning is intact for the entire property pursuant to the Board of Appeals Order.

Case No. 4606-RX dates back to 1959. Since that time, seven Comprehensive Zoning Maps have been adopted by the Baltimore County Council, and each map shows the line in question to be located precisely in the same location. Any action taken prior to the adoption of the first Comprehensive Zoning Map Process (1971), should have no impact on the County Council's authority to impose a particular zone on a particular property. Changing the zoning of a parcel of land pursuant to a Board of Appeals action predates a particular Comprehensive Zoning Map Process would usurp the authority of the County Council.

Section 2-356 of the Baltimore County Code (see attached) gives the Board of Appeals the authority to change the zoning classification of a property after the Board has found that either a substantial change in the character of the neighborhood has taken place or that the County Council made an error when the property was last reclassified. If the applicant believes that the County Council made an error as part of the 1971 CZMP and that error was perpetuated on every subsequent map, then the applicant should file a Cycle Zoning Petition in an effort to correct the zoning on the property.

ITEM394/PZONE/ZAC1

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. 'Pat' Keller, III, Director, PO

Office of Planning staff have met with the applicant's representative in an effort to explain why the zoning of the property cannot be corrected through the Zoning Map Correction Process (see Section 26-134 of the Baltimore County Code attached). The Zoning Map Correction process permits corrections in situations where the map last enacted by the County Council does not accurately reflect the final zoning classification imposed by the council on a property during the last or prior comprehensive zoning map process. A review of the maps maintained in the zoning office reveals that a drafting error did occur sometime after the Board's 1959 decision; however, since this error predated the Council's involvement in the adoption of the zoning maps, the Zoning Map Correction Process cannot be utilized to correct the error.

Based upon a review of the County Code, it appears to this office that it would be inappropriate to conclude by way of a special hearing that the zoning of the property should be determined based upon the Order in Case No. 4606 RX. Clearly, the 1996 Comprehensive Zoning Map is the only document that can be used to determine the zoning of the subject property.

Staff does not oppose the requested special exception.

Prepared by: *Jeffrey M. Lay*

Division Chief: *Carol Kenna*

AFK/JL: 1en

ITEM394/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: March 31, 1997
FROM: Robert W. Bowling, Chief
Development Plans Review Division
SUBJECT: Zoning Advisory Committee Meeting
for March 31, 1997
Item No. 394

The Development Plans Review Division has reviewed the subject zoning item.

Site subject to the Department of Public Works' (DPW) Standard Plate R-32 - Commercial Entrance.

A modification to Section IX.C.2.b. of the Landscape Manual 74 landscape area within the interior of the parking lot is necessary. A final landscape plan must be approved prior to release of permits.

RWB:HJO:cab

cc: File

ZONE331.394

PETITION PROBLEMS

97-394-SPHX A

#388 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.
3. No description on folder.
4. No zoning on folder.
5. No acreage on folder.
6. No election district on folder.
7. No councilmanic district on folder.

#389 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.

#390 --- MJK

1. Sign form is incomplete/incorrect.
2. No telephone number for legal owner.

#391 --- CAM

1. No review information on bottom of petition form.
2. Area listed on folder - acres, square feet, what?

#392 --- CAM

1. No review information on bottom of petition form.

#394 --- JLL

1. Sign form is incomplete/incorrect.

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5300

(410) 887-4500

April 1, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: S & W Associates

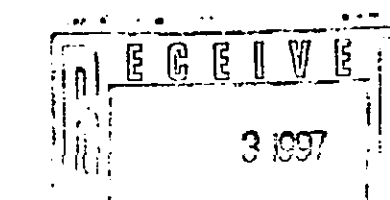
Location: DISTRIBUTION MEETING OF March 24, 1997

Item No.: 394 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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3/19/97